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Letter dated 27 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Tunisia, submitted pursuant to paragraph 6 of resolution 1373 (2001).

I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

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Annex

Note verbale dated 26 December 2001 from the Permanent Mission of Tunisia to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Mission of Tunisia to the United Nations in New York presents its compliments to the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism, adopted on 28 September 2001, and, with reference to the note of 29 October 2001, has the honour to transmit to it herewith the report on the measures taken by Tunisia to implement the above-mentioned resolution (see enclosure).

Enclosure

[Original: Arabic]

Report of Tunisia under Security Council resolution 1373 (2001) of 28 September 2001 concerning counter-terrorism

Introduction

Since the beginning of the 1990s Tunisia has adopted a variety of bold steps and measures to counter the phenomenon of terrorism. It has always been concerned to make the international community fully aware of its dangers and consequences and has called in this context for the strengthening of international efforts to combat it. Today it affirms its full commitment to the provisions of resolution 1373 (2001), adopted on 28 September 2001.

As a result of the adoption of this resolution, a study is currently being made at the level of the Ministry of Justice, in cooperation with the other ministerial departments concerned, with a view to the preparation of a comprehensive bill relating to the combating of all forms of terrorism, in the light of the relevant international conventions and United Nations decisions, to be added to the various other laws promulgated since 1993.

Tunisia, which has clearly expressed its rejection of the use of force or threat of force as a means of attaining goals characterized by any form of extremism, was one of the first countries to urge the necessity of joint action to combat terrorism with a view to establishing a basis for permanent stability and security.

The Tunisian State did not wait for the events of 11 September 2001 before taking the necessary measures to combat the phenomenon of terrorism, as it had already proceeded to combat it within its borders and succeeded in countering it. It is convinced that the combating of this phenomenon is not confined to the security aspects but also requires the adoption of a multidimensional approach — economic, social, educational and other — aimed at eliminating the causes that lead to the emergence and growth of this scourge, such as marginalization, exclusion, extremism and poverty.

At the international level, Tunisia has proposed the adoption of a general framework to ensure the optimal monitoring and countering of this phenomenon, the strengthening of the elements of security and peace and facilitation of consultations on the plans and strategies to be followed in this field, in the context of serious and effective international solidarity and cooperation, and has to this end urged the necessity of adopting the following line of conduct:

- Closing all outlets for terrorism and refusing any material or moral support for terrorists, in particular combating the emergence and spread of the networks that support terrorism directly or indirectly;
- Ruling out anything that might enable terrorists to benefit from the right to asylum, immunity or protection and refusing to grant the right of asylum to the perpetrators of terrorist crimes or those involved in them in any way;
- Freezing resources intended for the financing and support of terrorism at all levels;

- Intensifying exchanges of data in order to assess the situation of the phenomenon of terrorism and its effects, evolution and future trends and encouraging the direct exchange of views and experience;

- Promoting the exchange of security and operational information between intelligence services; where the situation requires that this be done through liaison officers and aides, the modalities and the details of their role shall be determined at the time;

- Facilitating legal cooperation and making it speedier and more flexible, particularly in the field of extradition of criminal offenders;

- Incorporating in criminal legislation, provisions penalizing acts of incitement to religious fanaticism and to hatred on racist or xenophobic grounds.

Within the framework of the implementation of the provisions of resolution 1373 (2001), Tunisia embarked on the establishment of a national committee comprising ministries and numerous national services to prepare the report that each State is to submit to the Security Council Committee established pursuant to this resolution.

In proceeding to prepare the first report of Tunisia under resolution 1373 (2001), the National Committee decided to set forth an account of the national legislation and measures and the steps taken with regard to international conventions in the areas covered by this resolution, pending the promulgation of the comprehensive national law on counter-terrorism.

The contents of this report are divided into the following chapters:

Chapter I: Financial legislation in Tunisia and counter-terrorism;

Chapter II: National legislation and measures in the field of counter-terrorism;

Chapter III: Tunisia and international conventions relating to counter-terrorism;

Chapter IV: International cooperation in the field of counter-terrorism.

Chapter I
Financial legislation in Tunisia and counter-terrorism

Questions of the Security Council Committee on the provisions of paragraph 1 of resolution 1373 (2001)

Subparagraph (a) — What measures if any have been taken to prevent and suppress the financing of terrorist acts in addition to those listed in your responses to questions on 1 (b) to (d).

Subparagraph (b) — What are the offences and penalties in your country with respect to the activities listed in this subparagraph?

Subparagraph (c) — What legislation and procedures exist for freezing accounts and assets at banks and financial institutions? It would be helpful if States supplied examples of any relevant action taken.

Subparagraph (d) — What measures exist to prohibit the activities listed in this subparagraph?

Tunisian financial legislation is characterized by an evolved legal framework based on the criteria followed at the international financial level. It comprises a corpus of provisions that ensure transparency in financial transactions and specific and precise rules and procedures for the conduct of the various activities coming within this field. The following are the most important of these provisions.

I. Banking activities

1. Permission to engage in banking activity

Engagement in banking activity is subject to Act No. 65 (2001) of 10 July 2001 concerning loan institutions and Act No. 108 (1985) of 6 December 1985 concerning the promotion of financial and banking institutions dealing primarily with non-residents.

The granting of permission to engage in banking activity is subject to strict rules, inasmuch as it is issued by a decision of the Ministry of Finance on the basis of a report prepared by the Tunisian Central Bank containing all necessary data and information regarding, in particular, the programme of activity of the applicant institution, the technical and financial means it intends to employ, the owners of the capital and their guarantors and the reputation and competence of the institution's directors.

2. Acquisition of shares in the capital of loan institutions

Any acquisition of controlling shares in the capital of a loan institution is subject to permission granted by the Minister of Finance on the basis of a report from the Tunisian Central Bank. The same applies, in all cases, to any transaction leading to ownership of a proportion equal to or exceeding 10 per cent of voting rights.

Any acquisition by aliens of shares or representation in the capital of Tunisian companies where the proportion of foreign participation in capital exceeds 50 per cent is, in general, subject to approval by the Supreme Commission on Investment.

3. Bank accounts

In Tunisian law there are no secret or encoded accounts, and, accordingly bank accounts contain all data concerning the depositor:

- With regard to natural persons:

– First name, surname, address and postal code;

– Date and place of birth and occupation;

– Details of national identity card for Tunisians, passport for non-resident aliens or residence card for resident aliens;

- With regard to legal persons:

– Business name and registered place of business;

– Number of entry in the commercial register and the company register and any other pertinent data;

• With regard to associations:

– Name and head office of the association;

– Number of permit from the Ministry of the Interior and any other pertinent data;

– All necessary information regarding the person qualified to withdraw funds.

It should be noted that banks are required to update the above data in respect of all their clients.

4. Elimination of bearer bonds

Under Act No. 35 of 2000 of 21 March 2000 concerning the establishment of intangible securities, the issuance of bearer bonds was prohibited, inasmuch as this Act provides that all financial papers of whatever kind issued in Tunisia and subject to Tunisian law are registered and are guaranteed by the accounts held by the issuing entities or an authorized agent.

5. Monitoring of loan institutions

Loan institutions are subject to ongoing comprehensive monitoring by the Tunisian Central Bank. This involves the monitoring of documents and monitoring at the head office.

The monitoring may cover the head offices of loan institutions and any independent branch offices and subsidiaries directly or indirectly controlled by them and, similarly, independent branch offices of such subsidiaries.

To this end, any loan institutions established under Tunisian law and also any branch offices and agencies of loan institutions having their registered place of business abroad and licensed to pursue their activity in Tunisia must:

– Keep accounts in accordance with the accounting legislation for institutions; a sophisticated accounting system has been adopted that meets international criteria;

– Prepare during the year a statement of their situation for accounting purposes in accordance with periodic deadlines and in accordance with a set form drawn up by the Tunisian Central Bank;

– Provide to the Tunisian Central Bank all documents, data, clarifications and supporting papers necessary for consideration of their situation and to facilitate the task of ascertaining that they are duly following the procedures laid down for the monitoring of loans and exchange and the monitoring of loan institutions.

The Banking Act makes the annual accounts of loan institutions subject to approval by an official auditor inscribed on the register of the Tunisian Board of Accounting Experts, so that, in addition to their legal obligations, this Act requires the auditors:

- To inform the Tunisian Central Bank immediately of any transaction likely to jeopardize the interests of the institution and its depositors;
- To transmit to the Tunisian Central Bank during the six months following each financial year a report on the audits they have done; this report must be drawn up in accordance with the conditions and modalities stipulated by the Tunisian Central Bank;
- To transmit to the Tunisian Central Bank a copy of their reports on the general meetings and boards of the institutions whose accounts are audited by them.

II. Monitoring of exchange and foreign trade procedures

Exchange and foreign trade procedures are monitored in accordance with a number of provisions, namely the Exchange and Foreign Trade Code, promulgated under Act No. 18 of 1976 concerning review and codification of legislation on exchange and foreign trade and regulating relations between Tunisia and foreign countries, and Order No. 608 of 1977 concerning implementation of the Code, as well as a number of exchange notices issued by the Ministry of Finance and circulars issued by the Tunisian Central Bank.

1. Monitoring of the export and import of currency

– Import of currency

Travellers, whether residents or non-residents may freely import foreign currency and other payment instruments in foreign currency, but non-resident travellers must, when entering Tunisia, declare to Customs the amount of foreign currency in their possession if they wish to re-export a portion thereof equivalent to or exceeding 1,000 dinars or if they wish to deposit such amounts in their foreign accounts opened with Tunisian banks.

– Export of currency

With regard to non-residents, no Customs declaration is required for the import of currency unless an amount equivalent to or exceeding 1,000 Tunisian dinars of the foreign currency is to be re-exported;

With regard to residents, the holding and export of foreign currency is prohibited except in those cases specifically authorized under the procedures in effect (travel grant, business travel grant, study grant, etc.). In such cases, the acquisition of such currency is effected through an authorized agent, who supplies the person concerned with a permit to export such currency.

The Customs authorities may at any time require travellers from and to Tunisia to submit a declaration of any gold, securities, currency and payment instruments in their possession. For the export abroad of the aforementioned items by mail, the mail item must be transmitted (un)sealed to the post office so that its contents may be checked and an export permit attached, unless the Central Bank has authorized it to be forwarded sealed. For the import of such items into Tunisia by mail, the importer must obtain prior authorization.

2. Monitoring of the opening and operation of accounts in foreign currency and convertible dinars

Since the principle is the freedom of non-residents to open accounts in foreign currency, convertible dinars and ordinary dinars, as laid down in Exchange Notice No. 5, the Central Bank monitors the opening and operation of such accounts after the fact. For example, the authorized agents must:

- Transmit a statement to the Central Bank by the fifteenth day of each month of accounts and "capital" portfolios opened on their books, including certain information concerning the holders of such accounts;
- Notify the Central Bank by the twentieth day of each month of the accounts in foreign currency and convertible dinars opened on their books by non-residents during the past month; this notification must be effected by transmission of a detailed statement on the matter;
- Transmit a statement to the Central Bank by the tenth day of each month of foreign currency cash withdrawal and depletion transactions effected in respect of foreign accounts (Circular No. 2 of 1987).

The Central Bank also monitors accounts in foreign currency and convertible dinars belonging to residents. These are accounts opened with banks either by residents who derive income in foreign currency or convertible dinars from their professional activity or persons who derive income in foreign currency from their property and assets abroad. This monitoring may be done in advance and take the form of prior authorization from the Central Bank for professional accounts in convertible dinars and "export profits" accounts in convertible dinars. The same applies in the case of accounts in foreign currency and convertible dinars where submission of a statement to the Central Bank regarding the property abroad from which such foreign currency derives constitutes prior monitoring of the opening of such accounts. Monitoring by the Central Bank may be done after the fact. Circular No. 14 of 1993 stipulates that authorized agents must provide the Tunisian Central Bank at the end of each quarter with a statement of professional accounts in foreign currency opened on their books during that period.

It should also be mentioned that authorized agents with whom securities and foreign currency are deposited in accordance with the exchange legislation are responsible for reporting to the Tunisian Central Bank the securities and foreign currency held by them, whether they be profits on their own assets or held for the account of their clients.

3. Monitoring of direct investments

Residents and non-residents may invest freely in most sectors within the framework of the Investment Promotion Code provided that they report the investment transaction to the competent administrative authorities. However, there are certain activities in which investment requires prior authorization, such as the education and vocational training and health sectors. Foreign participation in certain other sectors is also subject to approval by the Supreme Commission on Investment where such participation exceeds 50 per cent of the capital of the institution concerned, such as services that are totally non-export in the field of transport, communications, public works and land reclamation.

The reporting, authorization or approval of a project, as the case may be, is done on the basis of documents and information relating to the various aspects of the project, particularly those concerning foreign shareholders and the sources of its financing, especially in the case of financing in foreign currency from abroad.

Central Bank Circular No. 5 of 1993 stipulates that authorized agents must prepare a foreign currency investment slip for each investment in foreign currency effected through them and must submit them to the Central Bank within 10 days from the date of the investment (participation in business capital; acquisition of shares or stock in companies established in Tunisia; acquisition of commercial real estate or assets, etc.).

III. Measures to freeze assets and accounts in banks and financial institutions

Under Tunisian law, the assets and property of the perpetrators of criminal offences may be subject to certain measures, such as sequestration, confiscation and seizure, in the cases where this is provided for by law (sections 97 to 100 of the Code of Penal Procedure and sections 5 and 28 of the Criminal Code, for example).

Mention should be made by way of example of the provisions of sections 28 and 29 of Act No. 52 of 18 May 1992 concerning narcotic drugs.

Other legislation relating to the combating of the financing of terrorism

In many cases, drug dealing and corruption are sources for the financing of terrorism. Tunisia has legislation to combat both these scourges: Act No. 52 of 18 May 1992 aimed at combating the use of and dealing in narcotic drugs, sections 83 and 84 of the Criminal Code and sections 87 to 89 of that Code, as revised by Act No. 23 of 27 February 1989.

It should be noted that any collection of voluntary contributions is subject to prior permission from the Prime Minister (Order issued on 8 May 1922).

The comprehensive bill on counter-terrorism currently under preparation will incorporate the necessary provisions to promote more effectively the combating of the financing of terrorism.

Chapter II
National legislation and measures in the field of counter-terrorism

I. Legislation

Questions of the Committee on paragraph 2 of resolution 1373 (2001)

Question relating to subparagraph (a) — What legislation or other measures are in place to give effect to this subparagraph? In particular, what offences in your country prohibit (i) recruitment to terrorist groups and (ii) the supply of weapons to terrorists? What other measures help to prevent such activities?

Question relating to subparagraph (c) — What steps have been taken to establish terrorist acts as serious criminal offences and to ensure that the punishment reflects the seriousness of such terrorist acts? Please supply examples of any convictions obtained and the sentence given.

In view of the dire consequences of terrorist acts for the security of individuals, groups and property, the Tunisian Criminal Code regards such acts as serious criminal offences and imposes the most severe penalties for them.

The Criminal Code contains sections describing terrorist offences (section 52 bis of the Criminal Code) and specifying the penalties laid down for terrorist offences relating to external and internal attacks on the security of the State, attacks on public authority, including criminal complicity, and criminal offences against persons and property.

Description of terrorist offences

Tunisian legislation provides that criminal offences are classified as terrorism if they are related to an individual or collective project aimed at damage to persons or property for the purpose of intimidation or causing alarm. In addition, Tunisian legislation includes acts of incitement to hatred or racist or religious fanaticism in the category of criminal offences dealt with as terrorist offences. In addition to the principal penalties, such offences require that the convicted person be placed under administrative surveillance for five years, and sentences cannot run concurrently.

The phenomena of terrorist crimes

• External attacks on the security of the State

These offences (sections 61 and 62 of the Criminal Code) relate to exposing the country to a declaration of war through acts of aggression committed and exposing Tunisians to acts of revenge. These offences are punishable by 12 years' and not less than six years' imprisonment if they are committed in time of war and not less than two and a half years' imprisonment if they are committed in time of peace. An attempt renders the perpetrator liable to the punishment.

• Internal attacks on the security of the State

Tunisian law imposes maximum penalties in the following cases (sections 72 to 78 of the Criminal Code):

- Any person who provokes armed attacks among the population or disorder, slaughter and looting is liable to the penalty of execution;
- Any person who assembles or heads and arms groups for the purpose of plundering the assets of the State and of individuals is liable to the penalty of life imprisonment and a fine of 200,000 dinars;
- Any person who knows of the purpose and nature of such groups and consents to join them or supplies them without coercion with weapons, shelter or hiding and meeting places is liable to the penalty of 20 years' imprisonment and a fine of 200,000 dinars;
- Any person who burns or destroys with explosives military or other buildings or ammunition depots or other property is liable to the penalty of execution;

– If an attack is committed by an armed group, each member is liable to the penalty of 10 years' and not less than five years' imprisonment;

– In the event of an attempted attack by an armed gang, the penalty of three years' and not less than one and one half years' imprisonment is imposed.

• **Attacks on public authority with criminal complicity** (sections 131, 132 and 133 of the Criminal Code)

With regard to criminal offences against public security, any group formed and any agreement reached for the purpose of preparing or committing an attack against persons or property is punishable by 12 years' and not less than six years' imprisonment for the group leaders, and similarly where a child or a number of children under the age of 18 are used. Any person involved with such groups or participating in such agreement is liable to six years' and not less than three years' imprisonment. The same applies to any person who deliberately prepares a meeting place for group members, assists them with money or in benefiting from the proceeds of their actions or gives them lodging or a hiding place.

• **Criminal offences against persons** (sections 201, 205, 208, 209, 218, 219, 220 and 237 of the Criminal Code)

The following are some examples:

– Murder is punishable by execution or life imprisonment;

– Killing resulting from striking and wounding without intent to kill is punishable by 20 years' and not less than 10 years' imprisonment and by life imprisonment where the striking and wounding has the element of premeditation;

– Violence (sections 218, 219 and 220 of the Criminal Code): for example, in the case of violence resulting in injury, the penalty is one year's and not less than six months' imprisonment;

– Kidnapping is punishable by 20 years' and not less than 10 years' imprisonment if the person kidnapped is a civil servant or a member of the diplomatic or consular corps or a member of the family of such a person or a child under 18 years of age. Kidnapping is punishable by life imprisonment if a weapon is used and also if the offence results in a breakdown or illness and by execution if it is accompanied or followed by death.

• **Attacks on property** (sections 304, 306 bis, 307 and 310 of the Criminal Code)

– Attacks on property are punishable by 20 years' imprisonment if explosives are used and by execution if death occurs;

– Seizure of any means of transport (land, sea or air) by threat or violence is punishable by 10 years' imprisonment and by 20 years', by not less than 10 years' imprisonment if it results in injury or illness and by life imprisonment if it results in death.

• **Terrorism and political asylum** (sections 313 and 305, para. 3, of the Code of Penal Procedure)

In addition to the above, Tunisian legislation does not regard terrorist offences as political offences, and political asylum is not granted in respect of them.

The Tunisian courts can try a Tunisian national if he commits an offence categorized as terrorist outside Tunisian territory, even if such offences are not penalized under the legislation of the State in which they were committed.

Tunisian legislation also contains provisions aimed at the elimination of hatred.

Section 8 of the Tunisian Constitution stipulates that parties are to reject all forms of violence, extremism and racism and all types of discrimination. No party is permitted to base its principles and purposes, activities or programmes on any religion, language, race, nationality or tendency.

Tunisian legislation makes it a crime to preach hatred among nationalities, religions or population groups or to disseminate ideas based on racial distinction. We find clear pronouncements to this effect in the Child Protection Code (sections 1, 19 and 20), the Press Code (sections 44 (new) and 54, paragraph 4 (new)), the Act on the Organization of Political Parties (sections 2 and 3) and the Education System Act (section 1).

Tunisia has issued a formal charge of commission of terrorist acts and membership in an extremist group with an organic link to the al-Qa'idah organization. On 20 December 2001, three members of this group stood before the Permanent Military Tribunal in Tunis, having been apprehended, while other members of the same group are being tried in absentia. One of the latter was apprehended recently in a foreign country on a charge of heading a network that aids and abets al-Qa'idah. The Tribunal decided to postpone the trial until 30 January 2002.

In general, Tunisian legislation is not simply confined to the suppression of terrorist acts and all forms of violence but seeks to rid Tunisian society of all the evils of hatred and the deleterious effect of creeds of discrimination and exclusion.

Question relating to subparagraph (b) — What other steps are being taken to prevent the commission of terrorist acts and, in particular, what early warning mechanisms exist to allow exchange of information with other States?

The Tunisian authorities approve the establishment of early warning mechanisms in the area of the exchange of information with other States with a view to preventing the occurrence of terrorist acts and being alerted to them in order to enhance its capacity to deal with them and suppress them before they occur. Tunisia has appealed in many international forums for the revitalization of such cooperation at the international level.

Question relating to subparagraph (c) — What legislation or procedures exist for denying safe haven to terrorists, such as laws for excluding or expelling the types of individuals referred to in this subparagraph? It would be helpful if States supplied examples of any relevant action taken.

Under sections 313 and 305 of the Code of Penal Procedure, Tunisian legislation prohibits the granting of political asylum to the perpetrators of criminal offences categorized as terrorist. Such offences are not deemed political.

Question relating to subparagraph (d) — What legislation or procedures exist to prevent terrorists acting from your territory against other States or citizens? It would be helpful if States supplied reports of any relevant actions taken.

The provisions of the Tunisian Criminal Code apply to all terrorist acts committed in Tunisia. The criminal offences penalized include exposing the country to a declaration of war by acts of aggression committed and exposing Tunisians to acts of revenge. A Tunisian may be brought to trial if he has committed an offence categorized as terrorist outside Tunisian territory.

Question relating to subparagraph (f) — What procedures and mechanisms are in place to assist other States? Please provide any available details of how these have been used in practice.

Tunisia has ratified most of the multipartite international conventions on counter-terrorism, as well as many bilateral agreements concluded for this purpose. It expresses its readiness to activate this cooperation at the international level.

Question relating to subparagraph (g) — How do border controls in your country prevent the movement of terrorists? How do your procedures for issuance of identity papers and travel documents support this? What measures exist to prevent their forgery, etc?

The competent services of the Ministry of the Interior monitor the border rigorously and continuously in order to prevent unlawful transborder traffic and to prevent the movement of terrorists. In their performance of this task and as required, they coordinate with the services of the Ministry of National Defence and with Customs units.

Ministry of National Defence units exchange information with the competent bodies for the purpose of counter-terrorism and monitor land borders and maritime areas and airspace in order to prevent the movement of terrorist elements or any smuggling operations. An intervention unit has been set up and trained in the field of the combating of armed elements and terrorist operations.

Personal identity is checked automatically when identity papers and travel documents are issued, and information concerning such identity is exchanged between the relevant bodies in Tunisia.

Questions of the Committee on paragraph 3 of resolution 1373 (2001)

Question relating to subparagraph (f) — What legislation, procedures and mechanisms are in place for ensuring asylum seekers have not been involved in terrorist activity before granting refugee status? Please supply examples of any relevant cases.

The Tunisian authorities consider applications for asylum and check the identity of the applicant on the basis of the information available to them and by reference to the relevant lists prepared by the United Nations. The Office of the United Nations High Commissioner for Refugees (UNHCR), through its office in Tunis, in turn issues a certificate to applicants for asylum and, upon acceptance of the application by UNHCR, a certificate of recognition of refugee status.

Question relating to subparagraph (g) — What procedures are in place to prevent the abuse of refugee status by terrorists? Please provide details of legislation and/or administrative procedures which prevent claims of political motivation being recognized as grounds for refusing requests for the extradition of alleged terrorists. Please supply examples of any relevant cases.

It should be mentioned in this regard that sections 313 and 305 of the Code of Penal Procedure do not regard terrorist offences as political offences and, accordingly, do not grant refugee status in such cases.

Requests for the extradition of offenders are generally referred to the Ministry of Justice for consideration and are considered on the basis of the numerous bilateral agreements concluded in this field.

It should be noted that Tunisia has approached a number of States with requests for the extradition of Tunisians involved in terrorist cases but has met with no response. It appears that a number of the requested persons have, in one way or another, enjoyed refugee status in these countries and that they have been involved in terrorist acts, with al-Qa'idah inter alia.

II. Measures taken with regard to the security of civil aviation

1. Measures taken prior to Security Council resolution 1373 (2001) and already in effect

Tunisia is well advanced in the field of civil aviation, inasmuch as numerous measures taken recently by some States have been in place in Tunisia for a number of years, since there is automatically close and regular monitoring of the security situation at our international airports. The principle measures may be summarized as follows:

- X-ray inspection of all baggage and passengers upon arrival and departure at all international airports;
- Promotion of security on board aircraft by posting specialized security aides on all flights of national airlines;
- Adoption of security programmes for flight operations for national airlines;
- Calling upon foreign airlines operating to and from Tunisia to provide the Ministry of Transport with their security programmes;
- Preparation and study of security programmes of airlines;
- Establishment of local committees at all international airports to be responsible for the security and facilities of these airports and for studying ways of dealing with deficiencies and shortcomings and improving security performance at the airports;
- Preparation of legislative and educational texts on the security of civil aviation.

The competent departments in the Ministry of Transport have prepared three bills that are currently being studied by the National Assembly and are designed to align our domestic legislation with the requirements of international conventions relating to the security and safety of civil aviation (Acts relating to the revision and

completion of certain provisions of the Civil Aviation Code, Code of Penal Procedure and Criminal Code).

A draft order has also been prepared on the security of civil aviation, in coordination with all the ministries and bodies concerned. This order regulates the tasks of the bodies responsible for the protection of civil aviation from acts of unlawful intervention and the rules and procedures for such protection and contains provisions relating to the following:

- The National Programme for the Security of Civil Aviation;
- Composition and mandate of the National Committee for the Security of Civil Aviation;
- Establishment of local committees on civil aviation at international airports;
- Programmes for the security of civilian airports open to air travel;
- Programmes for airline security.

With the promulgation of these laws and the order (first quarter of 2002), we shall have an integrated legislative system in the field of the security civil aviation that will enable us to eliminate the major deficiencies it registered in this area.

2. Measures taken in implementation of Security Council resolution 1373 (2001)

Following the recent terrorist attacks against the United States and in implementation of Security Council resolution 1373 (2001) of 28 September 2001, and for the purpose of monitoring and promoting the security of civil aviation through the security situation at international airports, the Ministry of Transport undertook a study of ways to improve security performance in this field by taking the following measures.

• Preparation of a national programme for the security of civil aviation and programmes for the security of airports

The National Programme for the Security of Civil Aviation will be finalized in the form of a guide manual containing, in particular:

- The functions of the administrative and financial departments and the bodies involved in the area of the security of civil aviation and the modalities of coordination between them;
- Organizational guidelines and preventive measures and procedures for the protection of civil aviation;
- Essential means of implementing the National Programme for the Security of Civil Aviation and methods for putting them into operation and monitoring them;
- Emergency plans and management of the response to acts of unlawful intervention;
- Training of aides to implement the Programme for the Security of Civil Aviation.

• **National Committee for the Security of Civil Aviation**

The National Committee for the Security of Civil Aviation is responsible, in coordination with the parties and bodies responsible for the security of civil aviation, for the following:

- Monitoring the drafting of the National Programme for the Security of Civil Aviation;
- Checking the security situation at airports;
- Entrusting local committees at airports with the task of drafting the security programme for each international airport, including specific emergency plans, by the end of June 2002.

• **Bilateral agreements in the field of air transport**

An article relating to the security of aviation recommended by the International Civil Aviation Organization is incorporated in the draft of every bilateral agreement on air transport or any amendment thereto.

Chapter III
Tunisia and international conventions relating to counter-terrorism

Questions of the Committee relating to paragraph 3 of resolution 1373 (2001)

Subparagraph (d) — What are your Government's intentions regarding signing and/or ratifying the conventions and protocols referred to in this subparagraph?

Subparagraph (e) — Provide any relevant information on the implementation of the conventions, protocols and resolutions referred to in this subparagraph.

Believing in the gravity of the phenomenon of terrorism and the enormity of its negative effects on international peace and security, Tunisia feels that the combating of terrorism can be achieved only through the promotion of cooperation and the redoubling of international efforts to arrive at comprehensive legal coverage at a global level dealing with the issue of terrorism in all its aspects and forms and prohibiting the commission or financing of terrorist acts, incitement to terrorism, complicity in terrorism, connivance in terrorism or the protection or sheltering of its perpetrators. Because of our firm belief in the necessity of adhering to the principles and provisions of international law and the Charter of the United Nations and of implementing the provisions of the international conventions concluded on terrorism, Tunisia is a party to 10 (ten) of the 12 conventions on counter-terrorism that have been concluded. On 2 November 2001, it signed the International Convention for the Suppression of the Financing of Terrorism. Tunisia has also decided to accede to the International Convention for the Suppression of Terrorist Bombings and is currently following the necessary constitutional procedures to become a party to these two conventions.

Tunisia is also participating actively in the negotiations currently under way in the Sixth Committee of the United Nations General Assembly with a view to the elaboration of a comprehensive convention for the suppression of this phenomenon.

It should be noted that Tunisia was among the States that called for the drawing up of such a convention. Tunisia was also among the first to propose initiatives to combat terrorism within the framework of the conventions concluded or the General Assembly resolutions relating to terrorism. On all these occasions, it urged that the following factors be highlighted:

- The adoption of binding and decisive measures against the perpetrators of terrorist acts;
- The need to criminalize terrorist action and to guarantee the extradition of its perpetrators and their trainers and to prosecute them and bring them to trial wherever they are found;
- The implementation of more rigorous measures with regard to the granting of the right of asylum so that terrorists do not benefit from it;
- The inadmissibility of political motivation as grounds for refusing to extradite terrorists;
- The adoption of the necessary measures to monitor the financing of terrorist activities and the use of charitable organizations by terrorists as a cover for their actions and monitoring by modern information and communication technology;
- Emphasis on the close link between terrorism and organized crime.

I. Tunisia is a party to the following international conventions and protocols:

- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (adopted at New York on 14 December 1973); signature on 15 May 1974 and ratification on 4 November 1976;
- International Convention against the Taking of Hostages (adopted at New York on 17 December 1979); accession on 3 March 1997;
- International Convention on Offences and Certain Other Acts Committed on Board Aircraft (signed at Tokyo on 14 September 1963); accession on 24 October 1974;
- International Convention for the Suppression of Unlawful Seizure of Aircraft (signed at The Hague on 16 December 1970); accession on 1 September 1981;
- International Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (signed at Montreal on 23 September 1971); accession on 1 September 1981;
- International Convention on the Physical Protection of Nuclear Material (signed at Vienna on 3 March 1980); deposit of instruments of ratification on 18 June 1993;
- Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (signed at Montreal on 24 February 1988); Accession on 17 January 1994;

- International Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (done at Rome on 10 March 1988); accession on 15 December 1997;
- Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (done at Rome on 10 March 1998); Accession on 15 December 1997;
- International Convention on the Marking of Plastic Explosives for the Purpose of Detection (signed at Montreal on 1 March 1991); accession on 1 August 1994.

II. Tunisia is currently following the constitutional procedures to become a party to the following international conventions:

- International Convention for the Suppression of Terrorist Bombings (adopted at New York on 15 December 1997);
- International Convention for the Suppression of the Financing of Terrorism (adopted at New York on 9 December 1999); Tunisia signed this Convention on 2 November 2001.

III. Within the framework of regional organizations, Tunisia is a party to the following Conventions:

- Arab Convention on the Suppression of Terrorism (signed at Cairo on 22 April 1998); ratification on 15 February 1999;
- Organization of African Unity Convention on the Prevention and Combating of Terrorism (adopted at Algiers on 14 July 1999); ratification on 1 August 2001.

On 6 November 2000 Tunisia signed the convention of the Organization of the Islamic Conference on Combating International Terrorism.

IV. Other international conventions relating to terrorism:

- Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (concluded at Washington, London and Moscow on 10 April 1972); ratified by Tunisia on 23 March 1973;
- Convention on the prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (adopted at Geneva on 3 September 1992); ratified by Tunisia on 3 March 1997;
- Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction (18 December 1997); signed by Tunisia on 4 December 1997 and ratified by it on 2 November 1998;
- United Nations Convention against Transnational Organized Crime; signed by Tunisia on 14 December 2000.

Chapter IV
International cooperation in the field of counter-terrorism

Questions of the Committee relating to paragraph 3 of resolution 1373 (2001)

Subparagraph (a) — What steps have been taken to intensify and accelerate the exchange of operational information in the areas indicated in this subparagraph?

Subparagraph (b) — What steps have been taken to exchange information and cooperate in the areas indicated in this subparagraph?

Subparagraph (c) — What steps have been taken to cooperate in the areas indicated in this subparagraph?

Bilateral agreements in the security field

Tunisia has concluded bilateral agreements with numerous States to ensure an exchange of information on terrorist activities, as well as agreements relating to the extradition of criminal offenders and legal cooperation in penal matters.

Through the bilateral agreements it has concluded with numerous States and within the framework of meetings of Arab Ministers of the Interior and the mechanism of the Council of Ministers of the Interior of the Western Mediterranean or the Mediterranean Forum, Tunisia strives to promote genuine and active cooperation in the various operational fields in a way that ensures the successful prevention and countering of this phenomenon. Most of these agreements cover cooperation in the following areas:

- Establishment of joint cooperation in the maintenance of peace and public order and the prevention and investigation of criminal acts, with particular reference to counter-terrorism;
- Promotion of security cooperation at the bilateral and regional levels in the exchange of analyses and experience and the organization of training courses;
- An endeavour to prevent the forgery of documents, particularly identity and travel documents and their circulation among terrorist and members of terrorist groups generally;
- Prevention of all forms of terrorist acts and transborder organized crime;
- Speedy exchange of information concerning the activity of terrorist groups;
- Exchange of information on the structures, leadership, membership, networks, relationships, locations, weapons, supplies, means of financing, capabilities, training facilities and methods of operation of organizations and groups;
- Exchange of expertise and new experience and identification of the latest methods used for discovering, countering and apprehending suspects and arresting offenders;
- Training of security aides in the field of counter-terrorism;
- Preventing the territory of either State being used as a refuge or safe haven by fugitives and criminal offenders wanted by the justice authorities;

- Exchange of expertise and information in the field of land, sea and air transport;

- Periodic exchange of expertise and information regarding overland and air transport with a view to improving the security specifications in effect on a permanent basis so as to ensure constant consistency with the evolving nature of terrorist threats;

- Monitoring and identifying formulas for countering the exploitation of communication technologies and satellite information methods by terrorist organizations.

Customs agreements

Tunisia has ratified a number of multipartite and bilateral customs agreements concerned with the combating of smuggling. The following are some examples:

• **International and regional agreements:**

- International Convention on Mutual Administrative Assistance for the Prevention, Investigation and Repression of Customs Offences (Nairobi, 9 June 1977);

- Protocol No. 5 on Mutual Assistance in the Customs Field between Administrative Authorities, appended to the European-Mediterranean Agreement establishing partnership between the Republic of Tunisia, on the one hand, and the European Union and its member States, on the other (Brussels, 17 July 1995).

• **Bilateral agreements:**

- Agreement between Tunisia and Algeria on the exchange of administrative assistance for the prevention, detection and suppression of customs offences (Tunis, 9 January 1981);

- Agreement between Tunisia and Italy on mutual administrative cooperation for the prevention, detection and suppression of customs offences;

- Agreement between Tunisia and Egypt on mutual administrative coordination for the prevention, investigation and deterrence of customs offences (Tunis, 6 March 1999);

- Agreement between Tunisia and Libya on mutual administrative assistance for the prevention, investigation and deterrence of customs offences;

- Agreement between the countries of the Arab Maghreb on mutual administrative assistance for the prevention, investigation and deterrence of customs offences (Tunis, 2 April 1988);

- Agreement between the Republic of Tunisia and the Kingdom of Morocco on mutual administrative assistance for the prevention, investigation and deterrence of customs offences (Tunis, 6 May 1998).

With regard to the Security Council Committee's request regarding a formula to enable States to incorporate in their reports additional information relating, for example, to the issues referred to in paragraph 4 of resolution 1373 (2001) and a formula to enable them to include general observations on the implementation of the

resolution and the reference to difficulties they may encounter, the following should be emphasized.

The importance of endeavouring to develop machinery for international cooperation to eliminate all forms of terrorism is clearer today than at any time in the past, and the texts relating to terrorism must be promoted in the form of a comprehensive international treaty that makes it possible to prevent and counter this grave phenomenon.

United Nations S/2001/1317

Security Council

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English
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Letter dated 27 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from the Sudan, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

02-21061 (E) 050302 120302

Annex

[Original: English]

Letter dated 27 December 2001 from the Permanent Representative of the Sudan to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

On instructions from my Government, I have the honour of enclosing a report from the Sudan to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001).

My Government stands ready to provide the Committee with further reports or information, as necessary or if requested to do so by the Committee.

I should be grateful if you would have the text of the present letter and the enclosed report circulated as a document of the Security Council.

(*Signed*) Elfatih **Erwa**
Permanent Representative

Enclosure

[Original: Arabic]

Report of the Government of the Sudan submitted pursuant to paragraph 6 of Security Council resolution 1373 (2001)

1. The Government of the Sudan, in its absolute belief that terrorism is one of the gravest crimes threatening the security of communities and societies, seeking to instil fear in peaceful persons, commit aggression against them and destroy property, and that it also threatens international relations and endangers the security of States; itself having been the victim of terrorism directed against it during the past few years; and convinced of the need to enlist every lawful means in accordance with the Charter of the United Nations, international conventions and the resolutions and declarations of the United Nations General Assembly relating to terrorist acts that pose a threat to international peace and security and to strengthen international cooperation for that purpose, promptly and unequivocally condemned the terrorist acts committed in New York, Washington, D.C., and Pennsylvania on 11 September 2001, expressing its condolences to the Government and people of the United States of America and the families of the victims of every nationality. This included the following:

- A message from the President of the Republic addressed to the President of the United States of America on 11 September, expressing the Sudan's condemnation of the heinous crimes committed against innocent civilians in the United States of America as well as the destruction of property, transmitting the condolences of the Government and people of the Sudan to the Government and people of the United States and the families of the victims and affirming the desire to cooperate with the United States and the international community in combating every form of terrorism. The President of the Republic expressed the same sentiments in his statements made at Khartoum Airport on returning from a visit to Saudi Arabia on 12 September 2001;

- The statement of the Minister for Foreign Affairs on 11 September, in which he described the terrorist attacks on the World Trade Center and the American Department of Defense (the Pentagon) as criminal terrorist acts, expressing his heartfelt condolences and reaffirming the readiness of the Government of the Sudan to cooperate with the Government of the United States and the international community in combating all terrorist acts and bringing the perpetrators to justice;

- On 12 September the Minister for Foreign Affairs also sent a message to American Secretary of State Colin Powell in which he condemned the terrorist acts and offered his condolences, reaffirming the willingness of the Sudan to cooperate fully with the United States;

- On 12 September, the Ministry of Foreign Affairs issued a statement along the same lines, emphasizing the Sudan's rejection of all forms of violence and expressing condolences to the families of the victims and the hope that the events would not lead to an escalation of violence;

- Immediately after the events, the Government of the Sudan also stepped up security procedures in the country for the protection of the American diplomatic mission and American nationals in the country;

- On 17 September 2001, the Minister for Foreign Affairs presented condolences to the American Government on behalf of the Government of the Sudan and signed the register of condolences at the American embassy in Khartoum, stating to journalists that a year earlier the Sudan had received an American security team to engage in bilateral cooperation in the area of the fight against international terrorism and to make sure that the Sudan had no connection with international terrorism.

Implementation of Security Council resolution 1373 (2001)

I. OPERATIVE PARAGRAPH 1 OF RESOLUTION 1373 (2001)

A. Measures taken to prevent and suppress the financing of terrorist acts

1. In the area of legislation, the Sudan was one of the first countries to sign the 1999 International Convention for the Suppression of the Financing of Terrorism, which it did on 29 February 2000. The formalities are currently being completed for its ratification by the legislative authorities, whereupon it will become enforceable domestic law.

2. Regarding the successive resolutions of the United Nations General Assembly on measures aimed at the elimination of international terrorism and the declarations issued by that body in 1994 and 1996, especially in respect of the prevention and suppression of the financing of terrorism, the Sudan actively participated in the drafting of the related paragraphs. In particular, the Sudan proposed the addition of the following paragraph to General Assembly resolution 51/210, of 1996:

"[Reiterates its] call upon States to refrain from financing, encouraging, providing training for or otherwise supporting terrorist activities".

Since that time, this paragraph has become a constant feature of General Assembly resolutions. The Sudan has been in the forefront in terms of awareness of the dangers of the financing of terrorist acts and the threat posed by those acts to the stability, security and peace of States. Its efforts in that area have been consistent and constant: when, for example, the Government of India proposed a draft comprehensive convention on international terrorism, the Sudan welcomed and supported that initiative but insisted on the inclusion of an explicit article criminalizing the financing of terrorist acts by individuals, groups and States, as can be seen from the minutes of the working group involved in the drafting of the draft convention.

3. The Sudan has also signed the international Convention against Transnational Organized Crime, which contains provisions on the drying-up of the resources of such crime and the organizations responsible for it with respect to money-laundering and other practices, and the legislative formalities for its ratification are currently being completed.

4. The Sudan has acceded to the Arab Convention for the Suppression of Terrorism, article 3 of which provides for an undertaking by States not to finance terrorist acts and which is considered an enforceable internal law of the State.

5. The Sudan has promulgated the Terrorism (Combating) Act, 2000, chapter IV of which deals with general provisions on the seizure of property and equipment used in terrorist offences, including the confiscation of real estate and other property, equipment, arms, means of conveyance or other things proved to have been used in committing or attempting to commit, or in facilitating or assisting in the commission of, terrorist offences or in concealing those who plot, perpetrate, instigate or encourage such offences, etc., in addition to any other penalty imposed by the competent court. It also deals with the seizure of terrorists' assets and of any property, real estate, equipment or funds owned by them and their deprivation of any benefit or utilization of any other resources, funds or property, whether in the Sudan or abroad (Act annexed).

6. The 1991 Banking Regulation Act granted the power to examine clients' accounts and transactions to the central bank and its governor and also, for judicial purposes, to the Minister of Justice or the judges. The law also granted the central bank the authority to inspect, supervise and monitor banks. The central bank has an officer trained in following sensitive banking operations and in ascertaining

their domestic and foreign sources. It is also possible to determine their bank sources, if they involve bank financing or deposits, and the sources of such deposits. The Government of the Sudan therefore deems the existing legislation on banking activity adequate to enable the authorities to trace and prevent the financing of terrorist acts and to dry up any funds, provided that they are in banks operating in the Sudan.

The problem, however, also involves dealing with practical dangers: in the context of the rapid transformation taking place in the country towards a free market economy and the encouragement of a flow of foreign investments into the country, Sudanese banks, like other banks throughout the world, are confronted with the rapid, easy transfer of deposits and assets in the Sudan via the banking map, both into and out of the country. This has gone hand in hand with an increase in financial flows and is expected to involve greater risks of money-laundering operations that face emerging markets in a number of developing countries. A further problem relates to the difficulty of tracing the primary sources of deposits and withdrawals if they are not bank-related.

Such a situation requires the enhancement of technical capacities, the availability of up-to-date equipment, close control of communications and the flow of information to the central bank and other competent authorities so as to enable them to perform their tasks efficiently. This naturally necessitates international technical cooperation and the provision of the necessary support to achieve it and "to intensify... the exchange of information on facts related to terrorism". The latter passage, whose inclusion was proposed by the Sudan in coordination with other States, is taken from General Assembly resolutions adopted since 1996 on measures aimed at eliminating international terrorism.

Steps have also been taken since 1996 to dry up the sources of financing of suspected groups and individuals through the closing and liquidation of companies and related commercial activities, such as the Hijra Construction and Wadi Al-`Aqiq companies, partly or wholly owned by Osama Bin Laden, and the Injaz company, suspected of being controlled by an Egyptian Islamic group.

B. Offences and penalties relating to terrorist activities

Sudanese law criminalizes terrorist acts. Indeed, chapter II of the Terrorism (Combating) Act, 2000, contains provisions relating to terrorist offences, the direction of terrorism organizations and the criminalization of acts such as the hijacking of aircraft and means of sea, river or land conveyance; the detention of or causing of injury to persons; and environmental offences. Under this Act, the following are considered terrorist offences subject to the application of the Act even if perpetrated for political motives: murder; theft accompanied by coercion against individuals, authorities or means of conveyance or communication; acts of sabotage against public property or property earmarked for public use, even if owned in the Sudan by another State; the crimes of manufacture, smuggling or possession of arms, munitions, explosives or other materials prepared for the commission of terrorist offences.

- The Act provides a number of penalties for terrorist offences, including the seizure and confiscation of money, property and equipment used in terrorist offences; termination of residence and deportation, in the case of aliens; punishments including imprisonment for a term of as much as 20 years or life, depending on the magnitude of the offence committed, a fine, or both; and in some cases, execution (see the annexed Terrorism (Combating) Act).

- The National Security Act of 1999, as amended in 2001, provides the death penalty or life imprisonment for any member who intentionally commits or refrains from an act for the purpose of imperilling the internal or exterior security of the country (article 44), and a penalty of imprisonment for a term no greater than 10 years or a fine or both for unlawfully having at one's disposal, or permitting another to have at his disposal, any weapons, munitions or matériel.

- The Penal Code of 1991 criminalizes terrorism and terrorist organizations, inasmuch as article 65 of the Code provides that anyone who establishes or directs an organization that plans to commit any crime or anyone who wilfully participates in or assists such an organization, whether operative in the Sudan or outside, shall be punished by imprisonment. If the crime planned by the organization is that of waging war or looting or is an offence punishable by death, or terrorism involving a threat to the public or the public authority, the penalty shall be imprisonment for a term not exceeding 10 years and may also be punished by a fine.

- In addition, article 144 of the Code provides as follows:

  (i) The perpetrator of the crime of terrorism is one who:

  a. Addresses to any person a threat to harm him or to harm any other person important to him for the purpose of intimidating him or inducing him to do what he need not do according to law or not to do what he is permitted to do by law;

  b. Makes a movement or exhibits readiness to act, intending thereby to use unlawful force or knowing that he is thus likely to make any person present believe that he is about to use such force against him;

  (ii) The crime of terrorism shall be punishable by imprisonment for a term not exceeding six months or a fine or both.

C. Legislation and procedures in force for freezing accounts and assets at banks

- The 1991 Banking Regulation Act, as amended, grants the central bank, the Minister of Justice (Attorney General) and the judiciary the authority to examine accounts and article 10 grants the Bank of Sudan (the central bank) the right of inspection, of issuing orders for the purposes of inspection and of control. The Act also grants the Bank the power to freeze moneys and financial assets deposited with banks and to dry up their sources, provided that the matter relates to Sudanese banks. The Terrorism (Combating) Act, moreover, requires the competent court to confiscate all real estate and other property, equipment, arms, means of conveyance or other things proved to have been used in committing or attempting to commit, or in facilitating or assisting in the commission of, terrorist offences or in harbouring those who plot, perpetrate, instigate or encourage such offences or have been charged with so doing, whether by word, deed, publication, failure to act or consent to the perpetration thereof, with the knowledge of the owner of the property, whether he made use thereof personally or through any of his subordinates or persons working with him. The court also has the right to order the seizure of any real or other property, assets, equipment or funds owned by a suspect whose involvement in a terrorist act has been substantiated and to deprive him of any benefit or the utilization of any other resources, funds or property, whether in the Sudan or abroad (article 18 of the Act);

- As examples of steps taken, the central bank undertook an investigation of charges that Osama Bin Laden was a shareholder in Al-Shamal Islamic Bank, though nothing was found to substantiate those accusations (see annex V). Moreover, the accounts of all companies and commercial firms suspected of involvement in one way or another in terrorist organizations and those of suspected individuals were frozen, and a review was conducted of all the registers of shareholders in Sudanese banks so as to ensure that there were no shares or financial or commercial activity of any suspected individuals or organizations.

D. Measures taken to prevent terrorist activities

- The Government has taken a number of measures for the prevention of terrorist activities in the country, such as the adoption, in August 1995, of a decision requiring any alien coming to the country to obtain an entry visa in advance, so as to make it possible to ascertain the identity of visitors and protect the country against the entry of any terrorist elements. The decision provided exceptions for certain nationalities under bilateral agreements. However, the Government followed that decision with a subsequent one in 1998, requiring nationals of all countries to obtain entry visas to the Sudan, including nationals of those countries for which obtaining entry visas had not previously been required.

- In addition, amendments to the Passport and Migration Act of 1993 included the following:

  a. The Minister of the Interior has the right to deport any foreign person from the Sudan, the Minister's decision being final and not subject to appeal before the courts of law;

  b. Under article 32 of the same law, the legislator provides penalties for illegal entry into the Sudan and for facilitating such entry or providing accommodation or shelter to persons who have thus entered;

  c. Under article 33, authority is granted to the police to arrest persons who enter the Sudan without permission and to keep them under detention until they have been brought to trial.

- In the wake of the events of 11 September 2001, the Ministry of the Interior issued standing order No. 33 of 2001 calling for new controls and procedures for the entry of aliens and immigration security procedures at land and sea entry points, including airports and seaports. These procedures were aimed primarily at barring the entry into the country of any person suspected of having any connection with terrorist acts and preventing such persons from obtaining entry visas. The decision was also aimed at control of the entry or exit of any persons reportedly having a connection with the events of 11 September 2001, with a view to their apprehension in the event that they are found. Controls were also tightened in connection with aliens staying in hotels, inns and private homes, the registration of whom is required by law; moreover, employment agents for domestic help are required to report any foreign residents to the Aliens Section of the Ministry of the Interior.

- Security measures have also been taken to prevent foreign diplomats and their families and foreign interests and investments from being exposed to any hostile acts.

- The Government has earnestly complied with requests directed to it by foreign Governments, including the Government of the United States of America, to provide them with any information it might have on suspected persons. The competent departments of the central bank have confirmed that the Sudanese banking system does not maintain any accounts or balances belonging to any entities placed on the terrorist lists, and this also applies to commercial banks, based on their responses to the central bank. The Bank of Sudan (central bank) declares its full readiness to collaborate and cooperate in the investigation of any account or balance, provided that it is furnished with the name of the holder, by virtue of the authority to undertake such tasks granted to the Bank by law.

- The measures taken by the authorities include, in particular, the following:

  - A review of all records of aliens present in the country to ensure that they do not belong to any terrorist organizations or take part in any questionable activities, the examination being repeated periodically;

- The creation of specialized counter-terrorist units and their preparation and training;
- Enhancement and retraining of monitoring and control means and instruments at the country's ports and other points of entry.

II. OPERATIVE PARAGRAPH 2 OF THE RESOLUTION

A. Legislation in force in the country to prevent terrorist activities

1. Enlistment for the purpose of carrying out terrorist acts:

   Terrorism (Combating) Act, 2000 (articles 6-12, 19);

   The Penal Code of 1991 (article 65).

2. Supplying of arms to terrorists:

   Terrorism (Combating) Act, 2000;

   The National Security Act of 1999, as amended in 2001;

   The 1986 Arms, Ammunition and Explosives Act;

   The 1986 Customs Act;

   The 1994 Narcotic Drugs and Psychotropic Substances Act.

3. Measures against the above:

   (i) The State has undertaken and is carrying out campaigns to collect private weapons in the Western Sudan and has concluded agreements and memoranda of understanding with a number of neighbouring States in line with its objective of controlling exit/entry points with a view to preventing arms from being surreptitiously brought into the country via illegal channels. It has also issued a regulation on the possession of arms which permits such possession solely by permit and abolishes the right of ownership of more than one firearm per person. It should be pointed out that the Arms, Ammunition and Explosives Act prohibits the entry of arms, ammunition and explosives into the country without permission; moreover, the entry into the Sudan of some weapons, such as missiles, portable detonators, etc., is prohibited, and the Minister of the Interior has the power to add items. The act also regulates the registration of arms and prohibits trafficking in them or their manufacture outside of the State facilities. It defines how they are to be exported and imported and how arms in transit are to be dealt with, in addition to regulating explosives, their storage and their use and determining the penalties for violations of the Act;

   (ii) Terrorist events, which have been on the increase throughout the world and which reached their acme in the United States of America on 11 September 2001, have forced the Sudan to place on its list of priorities the question of bilateral cooperation with neighbouring countries with a view to the elimination of terrorism and the adoption of safety procedures for preventing the perpetration or planning of such events. An example of this is the counter-terrorist cooperation agreement signed between the Sudanese state of Kassala and the Gash-Barka zone of Eritrea in November 2001;

(iii) In September 2001 the Intergovernmental Authority on Development (IGAD), which includes Djibouti, Eritrea, Ethiopia, Kenya, Somalia, the Sudan and Uganda, met in the Ethiopian capital Addis Ababa and drafted a protocol on the establishment of a conflict early warning and response mechanism with a view to conflict prevention and resolution. The aim of the protocol is to establish, and to eliminate all kinds of threats to, peace, security and stability in the States members of the group. It is expected that the protocol will be adopted by the IGAD summit planned for January 2002.

B. Steps taken to prevent terrorist acts and early warning mechanisms to allow exchange of relevant information with other States

- The State is committed to exchanging information with other States within the framework of the international and regional instruments to which it is a party, treaties on judicial assistance, treaties on the extradition of criminals and United Nations resolutions, in addition to numerous conventions and memoranda of understanding concluded by the Sudan with neighbouring States for that purpose. Mention might be made, for example, of the cooperation in the field of security that has taken place over the past two years with the United States of America as well as with other States;

- The customs authorities are stepping up the control and inspection of goods entering the Sudan, having packages and mail checked by the customs laboratory and performing chemical and biological testing whenever doubt exists. The passport and immigration authorities and the Ministry of the Interior are now also taking a number of measures, including the designing of new passports and identity documents that are difficult to falsify; the preparation of a civil registry of all persons resident in the country, including both nationals and aliens; the promulgation of a related law; the bolstering of cooperation between the Interpol office in Khartoum and its other offices throughout the world; and the strengthening of controls relating to aliens staying in inns and hotels. Within the Ministry of the Interior there is a committee on aliens, made up of representatives of the various organs of the State, which looks into the status of aliens and questions relating to their residence and visas.

C. Procedures and legislation to prevent the Sudan from being a safe haven for terrorists

National legislation and international and regional instruments ratified or acceded to by the Sudan prevent the country from being a safe haven for terrorists. Specific mention of this question is found in the following national acts:

- The Terrorism (Combating) Act, which provides for its compulsory application to anyone who undertakes, instigates, attempts or facilitates... the commission of a terrorist offence and provides penalties therefor, including the seizure of property and the death penalty. It also permits the expulsion and deportation of persons who commit such offences and their extradition to injured States. In addition, the Customs Act, the Sudanese Regulation of Asylum Act (Asylum (Control) Act), the Arms, Ammunition and Explosives Act and the treaties on the extradition of criminals signed with certain States all regulate the movement of aliens within the country and the punishment of aliens who break the law, particularly with respect to terrorist offences. The harsh penalties imposed for terrorist offences constitute a suitable deterrent. The Passport and Migration Act of 1993 grants the Minister of the Interior the power to expel from the country any undesirable alien;

- The measures taken have included the reinstatement of the requirement to obtain visas in order to enter the country, residence procedures, checking at exit/entry points and permission to acquire arms and ammunition only in accordance with the law and subject to strict controls;

- The Sudan has in fact cooperated with a number of injured States in the extradition of persons suspected of having committed terrorist offences. It complied with a request by the Government of Ethiopia for the return of Ethiopians suspected of having committed the terrorist offence of hijacking an Ethiopian aircraft and forcing it to fly to Khartoum in 1995, and in 1997 it turned over to the French Government the person known as "Carlos", who was suspected of having committed terrorist offences, despite the absence of any convention on the mutual extradition of criminals between the two States. In 2001 the Sudan arrested Ethiopian terrorists who had hijacked an Ethiopian aircraft and diverted it to the Sudan: they were indicted and ordered to stand trial in the Sudan. The Sudan also tried the person named Al-Khalifi, an alien who committed a terrorist offence that involved the killing of a number persons praying in a Khartoum mosque. He was condemned to death and the sentence was executed;

- International conventions on the elimination of international terrorism, all of which have been acceded to or ratified by the Sudan, contain exceptions for offences having a political character. However, the bilateral conventions on the extradition of criminals concluded by the Sudan with other States, such as the 1964 Treaty on the Extradition of Criminals concluded with Ethiopia, make those offences non-political, which means that the exception regarding them is abrogated. Consequently, the bilateral and regional legal instruments to which the Sudan is a party have strengthened the Sudan's international commitment under the international conventions on the extradition, prosecution, and trial of terrorists.

D. Legislation or procedures to prevent terrorists from acting from within the Sudan against other States

- The Sudan is a pioneer State in the fight against terrorism through legislation, having acceded to 11 of the 12 international conventions against international terrorism (see annexed list). It is now in the process of completing the formalities for accession to the International Convention for the Suppression of the Financing of Terrorism, which has been signed, and for accession to other regional instruments (the African Convention on the Prevention and Combating of Terrorism and the Convention of the Organization of the Islamic Conference on Combating International Terrorism). Under the Sudanese judicial system, the conventions acceded to have become enforceable as part of the country's domestic law. Moreover, national acts, such as the Terrorism (Combating) Act, the National Security Act, the Penal Code, the Arms, Ammunition and Explosives Act, the Customs Act, the Regulation of Asylum Act, the Extradition Act and bilateral agreements on the extradition of criminals, prohibit and provide penalties for the organization, financing or commission of terrorist acts or participation in such acts in any manner whatsoever. The Terrorism (Combating) Act, moreover, specifically and categorically prohibits engaging in terrorism within Sudanese territory or directing, instigating, attempting, participating in or facilitating, by word, deed or publication, in any manner whatsoever, the direction of an organized network used for committing any terrorist offence or offences in such a way that its operation poses a threat to persons, property or the public tranquillity, irrespective of whether such network operates within or outside the Sudan.

- The law provides severe punishment for such terrorist offences, which may involve death by crucifixion, simple death, cross amputation (amputation of the right hand and left foot), life imprisonment or ordinary imprisonment, for they are considered grave offences.

- The Sudan does in fact engage in cooperation with a number of States in the common fight against terrorism, including the exchange of information and even the taking of steps for the extradition of suspected terrorists (such as the extradition of Carlos to France and the expulsion of Osama Bin Laden from the country), as well as the adoption of stricter procedures for the entry of aliens and their residence in the country. In addition, periodic reviews are performed to ensure that the country is rid of any activity or presence of any of the organizations of known involvement in international terrorism that are listed by the Security Council.

- The Terrorism (Combating) Act also provides that it is applicable to any person suspected of committing, attempting to commit or inciting a terrorist offence either within or outside the Sudan. It also applies to any person who commits, attempts to commit or abets the commission of a terrorist offence... against any alien in the Sudan or legally resident there and to any person suspected of committing, attempting to commit or inciting a terrorist offence, provided that the terrorist act is punishable under both Sudanese law and the law of the State in which it was committed and that State agrees to the application of the Terrorism (Combating) Act in the Sudan.

- The Act further makes it compulsory to deport any alien convicted of committing, attempting to commit, inciting or providing financing or technical assistance for a terrorist offence, who must be expelled from the country or extradited in accordance with the law to any country injured by the terrorist offence. It also gives the authorities the power to expel any alien concerning whom there is evidence that he entered the country for the purpose of committing a terrorist offence, within a period not exceeding two weeks.

- Article 51, paragraph c, of the Sudanese Penal Code provides that anyone who, in the Sudan, without the permission of the State, raises an army and equips it to attack a foreign State or carries out against a foreign State an act of aggression that is likely to expose the country to the risk of war is to be considered as having committed the offence of causing war against the State and may be punished by death, life imprisonment or a fixed term of imprisonment and possible confiscation of all his property.

- Also, the resolutions of the Security Council and the lists produced by its committees are always transmitted to the competent authorities for implementation, including its resolution 1373 (2001) concerning Afghanistan. Cooperation also takes place, through the Interpol office, with the corresponding offices in other States.

E. Steps taken to establish terrorist acts as serious criminal offences and to ensure that the punishment reflects the seriousness of the offence

- The Sudan deals with terrorist offences in earnest, considering them grave offences. For this reason it has acceded to international and regional instruments. It has in fact taken part in their drafting and is at present participating earnestly in the development of a comprehensive treaty against terrorism in the United Nations.

- As a culmination of that interest, and especially in view of the fact that during the latter half of the 1990s the country suffered considerably from a series of terrorist offences in most of which a foreign hand was visible, the Terrorism (Combating) Act, 2000, was promulgated, considering terrorist offences as grave offences affecting the interests and the social and national security of the Sudan. The Act defined terrorism as meaning any act of violence or threat of violence, irrespective of its motive or objectives, carried out in execution of an individual or collective criminal scheme and aimed at instilling terror in people or the fear that they will be harmed; jeopardizing their lives, freedom or security; causing harm to the environment; harming, occupying or seizing any public or private property or facility; or endangering any national or strategic resource.

- The penalties are graduated under national law according to the seriousness and consequences of the act. The Penal Code, for example, makes the creation or direction of terrorist criminal organizations, whether operating in the Sudan or outside, punishable by imprisonment for up to five years or a fine or both. If, however, the offence plotted by the organization is a grave offence, such as war or looting, a crime punishable by death, or terrorism involving a threat to the general public or the public authority, the penalty of imprisonment becomes compulsory, though it must not exceed ten years, and the imposition of a fine is also permissible. This, of course, applies to plotting, but if the offence has been committed, the punishment, depending on penalty provided by law, may be as severe as death.

- The law also provides that a person who commits the offence of terrorism, which here means threatening harm in order to cause a person to do what he is not required to do by law or making a movement or exhibiting readiness to act, intending thereby to use unlawful force, shall be punished by imprisonment for a term not exceeding six months or a fine or both. It should be mentioned that steps are currently being taken by the Ministry of Justice to review those penalties in order to make them more severe in the Penal Code.

- Under the Terrorism (Combating) Act, a terrorist offence against the State, the security of its society, citizens or property is punishable by death or life imprisonment. The same applies to anyone who plots, instigates, attempts, facilitates or participates in the direction of an organized network planning to commit terrorist offences, whether the network operates in the Sudan or abroad. The penalty for the seizure of aircraft may be as high as 14 years or a fine or both, and if the act results in damage to or endangers the safety of the aircraft and those aboard it, the penalty may be life imprisonment or death.

- The Act also provides that any act causing physical damage to the environment or jeopardizing the lives of persons shall be deemed a terrorist act and shall be punishable, upon a verdict of guilty, by imprisonment for a term not exceeding 20 years and a fine.

The following are some of the punishments that have actually been carried out:

1. The case of Mohamed Abdul Rahman Al-Khalifi, a Libyan national who attacked persons praying in a mosque in the city of Omdurman on 24 February 1994, killing 19 of them and wounding more than 20. He was sentenced to death and the sentence was executed;

2. The Kambo Ashara incident in Wad Madani (1 January 1997), in which members of the group known as "Al-Takfir wal-Hijra" attacked the inhabitants of Kambo Ashara with firearms. The security authorities opposed them, killing eight of the assailants, and the rest were brought to trial and sentenced to imprisonment for various terms;

3. The Jarafa incident, in which the Sudanese national known as Abbas Al-Sharif Al-Baqir, a member of the extremist group known as "Al-Takfir wal-Hijra", attacked persons praying in the Jarafa Mosque on 8 December 2000. The attack resulted in the death of 24 persons at prayer. He was countered by the police and killed in an exchange of fire with them.

4. Trial of aliens: the past two years witnessed a number of trials of aliens who had entered the country illegally or violated national laws. The related sentences included expulsion from the country.

F. Procedures and mechanisms in place to assist other States (with examples)

- The policy of the Government of the Sudan has been characterized by cooperation with other States in the field of counter-terrorism. This became apparent in Security Council resolution 1372 (2001) of 28 September 2001, concerning the Sudan, which acknowledged the steps taken by the Government of the Sudan to comply with the provisions of Security Council resolutions 1044 (1996), 1054 (1996) and 1070 (1996) and decided the immediate termination of the measures referred to in paragraphs 3 and 4 of the Council's resolution 1054 (1996) and paragraph 3 of its resolution 1070 (1996), relating to the Sudan.

- The Sudan's policy regarding cooperation with other countries is also manifest in its accession to regional and bilateral legal cooperation treaties. Indeed, it is one of the States parties to the Riyadh Arab Convention on Technical, Legal and Judicial Cooperation and has concluded a Treaty on Judicial and Legal Cooperation and Extradition of Criminals with the Syrian Arab Republic and individual treaties on the extradition of criminals with Kenya, Uganda, Ethiopia and the Central African Republic. The Sudan is a party to the Arab Convention for the Suppression of Terrorism, which provides for cooperation in that area among the Arab States, and has concluded with neighbouring countries cooperation agreements that contain provisions on cooperation in the field of counter-terrorism. That cooperation is also provided for in the national legislation referred to above.

- As can be seen from the foregoing paragraphs, the Government of the Sudan has adopted measures to assist other States in the field of counter-terrorism, in connection, for example, with the extradition of persons suspected of involvement in terrorist offences to both Ethiopia and France, in addition to cooperating with many States in the exchange of information among competent bodies.

G. Border controls and checking of identity papers

- As mentioned, the measures adopted include the imposing of conditions on the obtainment of an entry visa to the Sudan, pursuant to Ministry of the Interior decision 185 of 1998, and tight control of entry and exit at the country's entry/exit points. In addition, in the wake of the events of 11 September 2001, the Ministry of the Interior issued standing order No. 33 of 2001, which called for new controls and procedures for the entry of aliens and migration security procedures at airports, seaports and land exit/entry points. The basic purpose of those measures is to prohibit the entry of any person suspected of having connections with terrorist activities. The decision was also aimed at monitoring and at making sure that no persons listed as connected with the events of 11 September 2001 enter or leave, so that they might be apprehended if found. It must be pointed out that the Sudan shares long borders with nine countries and a seacoast extending along the Red Sea; consequently, the task of fully controlling those borders is beset with practical difficulties and requires international technical cooperation and close cooperation between neighbouring States.

- With regard to identity papers, procedures are actually under way for the production of difficult-to-counterfeit documents.

III. OPERATIVE PARAGRAPH 3

A. Steps taken to intensify and accelerate the exchange of information on movements of terrorist persons or networks, forged or falsified travel documents, traffic in arms or sensitive materials, the use of communications technologies and the possession of weapons of mass destruction

The Government of the Sudan cooperates with a number of States in the area of information exchange and is developing national information networks to facilitate the flow of information and consequently the exchange of information with other States;

B. Steps taken in respect of cooperation on administrative and judicial matters

The Government of the Sudan cooperates with other States under agreements on judicial and legal cooperation and within the framework of the Sudanese Extradition Act and the relevant bilateral agreements. There are many examples, as shown in the course of this report, and close cooperation in this area exists with a number of States, within the framework of which information is exchanged among competent bodies;

C. Bilateral and multilateral cooperation for the prevention of terrorist acts and expulsion procedures actually carried out

The Government of the Sudan cooperates in that area and has announced at the highest levels (that of the President of the Republic) its strong desire for international cooperation in the area of counter-terrorism. Cooperation exists with many countries, such as the United States of America, European and Asian countries and neighbouring States. Moreover, the Government of the Sudan has expelled persons or extradited them to other States, as in the case of the expulsion, in 1996, of Osama Bin Laden, who had entered the Sudan as an investor in the early 1990s, and a group of his collaborators; the case of the extradition to France, in 1997, of the person known as "Carlos", who had entered the Sudan with a forged identity document; and the case of the extradition of an Ethiopian group that had hijacked an Ethiopian aircraft in 1995.

In addition, the Sudan expelled some 400 aliens resident in the Sudan following the attempted assassination of the Egyptian President in Addis Ababa in 1995.

D. Signing of and accession to regional and international conventions

- The Sudan is one of the more advanced States with regard to the signing of or accession to the relevant international and regional instruments. It has become a party to 11 international conventions and is in the process of completing the formalities for the ratification of the twelfth, namely the 1999 International Convention for the Suppression of the Financing of Terrorism, which has been signed by the Sudan. It is also completing the formalities for accession to the African Convention on the Prevention and Combating of Terrorism and the Convention of the Organization of the Islamic Conference on Combating International Terrorism. Upon completing those formalities, the Sudan will be a party to all the international and regional instruments on combating international terrorism.

- The fact that the Sudan has become a party to all international conventions and protocols aimed at the elimination of international terrorism, concerning which the Secretary-General of the United Nations produces a yearly report that is examined by the Sixth Committee of the United Nations

General Assembly, prompted the Assembly to include a paragraph in its report on measures to eliminate international terrorism, adopted in 2000 at its Millennium Assembly, the text of which we would like to cite here:

> *Notes with appreciation and satisfaction* that, during the fifty-fourth session of the General Assembly and the Millennium Assembly, a number of States became parties to the relevant conventions and protocols ... thereby realizing the objective of wider acceptance and implementation of those conventions;

- The Sudan is thus in the forefront of the States Members of the United Nations that have complied with the appeals contained in the resolutions and declarations issued by the United Nations General Assembly and in Security Council resolution 1269 (1999), which call upon and encourage States to become parties to all the international conventions on combating terrorism and to implement and apply them.

E. Any relevant information on the implementation of conventions and protocols

Upon the Sudan's becoming a party to the international and regional instruments, those instruments became part of its domestic law applied by judicial organs. The instruments were forwarded to the official gazette for publication and communicated to the country's judiciary in order to be implemented.

F. Legislation, procedures and mechanisms in place for ensuring that asylum seekers have not been involved in terrorist activity before being granted refugee status, with examples

The Sudan is a party to the 1951 Convention on the Status of Refugees and the related 1967 Protocol and is bound by their provisions. The 1974 Regulation of Asylum Act governs all matters relating to refugees: it makes it incumbent on the competent authority in the country to observe any convention or treaty governing such status to which the Sudan is a party and stipulates that, in the application of the Act, priority is to be accorded to such conventions or treaties (see annex VII).

Under the Act, refugees are subject to the general laws of the country. They are not permitted to engage in any political activity during their stay in the Sudan or to leave the place of residence assigned to them except subject to specific rules. Mention should be made of the Sudan's reservation regarding article 26 of the 1951 Convention, which is intended to enable it to abide by its obligation under article 3 of the 1969 Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa, which provides that refugees must abstain from hostile activities against OAU member States. A refugee may also be deported for having committed a serious non-political crime outside the Sudan before being granted permission to enter as a refugee (such as a terrorist offence, inasmuch as such offences are not considered political offences under Sudanese law, even if committed for political reasons). In such a case he may be extradited in accordance with the Sudanese Extradition Act of 1957 (article 11 (b)). He may also be deported if he commits an act contrary to the purposes and principles of the United Nations or the Organization of African Unity (article 11 (d)); if he commits a serious non-political crime outside the Sudan after being granted asylum (article 11 (e)); or if his presence in the Sudan constitutes a danger to internal or external security (article 11 (f)).

The procedures followed include the examination of applicants for refugee status at points of entry by the office of the commissioner for refugees and the ascertainment that they meet the conditions

for that status in accordance with the Convention on the Status of Refugees and the relevant international law and domestic law.

G. Procedures in place to prevent the abuse of refugee status by terrorists

The law prohibits refugees from engaging in political activities and from plotting, directing, undertaking or participating in terrorist acts against a foreign State. Refugees are restricted and required for the most part to remain in a single place such as a refugee camp, and their movements are controlled and monitored to ensure their compliance with the law. Moreover, the Terrorism (Combating) Act and the Regulation of Asylum Act prohibit the invocation of political motives to prevent the extradition of suspected terrorists, inasmuch as the Act does not take political motives into account in terrorist offences.

H. Additional information or observations on the implementation of the resolution

As we have mentioned, the Sudan has continued to be a State that is eager to cooperate in the fight against international terrorism in all its forms, a position that has been concretely reflected in its accession to international and regional instruments, not to mention its share in the drafting of those instruments through its participation in the forums that prepared them. It has also been reflected in the cooperation the Sudan has evinced for many years with injured States. Furthermore, the item "international terrorism", which was one of the items of the Sudanese-European dialogue during its first year (1999), was dropped in the second year of the dialogue as a result of satisfaction with the Sudan's earnest compliance and its pioneering State policies on combating terrorism.

The Government reaffirmed its anti-terrorist policies in a statement by the Minister for Foreign Affairs before the National Council (Parliament) on 25 April 2001 (annexed hereto), in which he reaffirmed the Sudan's absolute condemnation of all forms of terrorism and its constructive cooperation with the international community in countering it. He emphasized that such cooperation included the extradition of suspects, judicial cooperation and the exchange of information and that the Government of the Sudan would not provide any safe haven or permit any training or financing of or support for any individuals or groups involved in terrorist activities.

It was those convictions that prompted the Sudan's attitude of cooperation with the international community and condemnation of the recent terrorist events. The Sudan took the initiative to invite the African Dispute Settlement Mechanism to a meeting in New York during the fifty-sixth session of the General Assembly in order to discuss African cooperation in the field of terrorism, which resulted in the issuance of a statement by the Mechanism on that subject that was considered an official document of the General Assembly. The Sudan also calls for collective Arab efforts against terrorism in all its forms as well as efforts on the part of the Organization of the Islamic Conference and other regional organizations in which it participates, such as the Intergovernmental Authority on Development (IGAD) and the Sahelo-Saharan group.

The Government of the Sudan is determined to conduct a general review of the relevant legislation with a view to revising it and to coping with the rapid changes taking place in the nature of international terrorism. The Sudan feels that the adoption by the international community of a comprehensive definition of terrorism will facilitate the identification of terrorist activity and provide a legal tool for its elimination.

I. Areas in which the country requires technical assistance

The Sudan needs material and technical assistance in order to develop its capacities for the fight against terrorism and for international cooperation and information exchange. Such help is needed in the following areas:

1. Completion of the building of national and specialized information networks;

2. Support for the implementation of the civil registration project being carried out by the Ministry of the Interior;

3. Support in connection with the review of national legislation and the dissemination of international and regional instruments on the fight against terrorism;

4. Assistance in developing chemical and biological materials and weapons search technologies;

5. Development and strengthening of border control and early warning systems;

6. Strengthening and development of customs workshops and laboratories from the technical standpoint;

7. Training in the various areas of the fight against terrorism;

8. Support for the counter-terrorism unit of the Ministry of the Interior (in the process of being established);

9. Strengthening and development of the technology of the central bank and the financial information network;

10. Support for the office for national liaison with the Counter-Terrorism Committee established pursuant to Security Council resolution 1373 (2001).

Appendices

I. Letter from the President of the Republic to the President of the United States of America.

II. Letter from the Minister for Foreign Affairs of the Republic of the Sudan to the Secretary of State of the United States of America.

III. Statement delivered by the Minister for Foreign Affairs of the Sudan before the Parliament on the Sudan's policy regarding the fight against terrorism, with an annexed list of international conventions on that subject that have been signed and ratified by the Sudan.

IV. Banking Regulation Act (Amendment), 1993.

V. Eight documents on Al-Shamal Islamic Bank.

VI. Extradition Act of 1957 (in Arabic and English).

VII. Regulation of Asylum Act of 1974 (in Arabic and English).

VIII. Provisional decree: The Terrorism (Combating) Act, 2000 (in Arabic and English).

Appendix I

[Original: Arabic/English]

Letter from the President of the Republic to the President of the United States of America

THE PRESIDENT

His Excellency MR. George W. Bush
President of the United States of America

We deeply regret the heinous and deplorable attacks which caused loss of thousands of lives of innocent citizens and great damage of some vital locations in your country.

We would like to express to you, the Government, the people of the United States and the grieved families our deep sympathies and condolences.

We strongly condemn all acts of terrorism, re - affirming our willingness to cooperate with you, and the international community, to combat all acts of terrorism.

Yours Sincerely,

Omer Hassan Ahmed Al Bashir
President of the Republic of the Sudan.

Addressed to:

H.E.Mr. George W. Bush
President of United States of America
Khartoum, on 11 - 9 - 2001

Appendix II

[Original: Arabic/English]

Letter from the Minister for Foreign Affairs of the Republic of the Sudan to the Secretary of State of the United States of America

S/2001/1317

بسم الله الرحمن الرحيم

THE REPUBLIC OF SUDAN
MINISTRY OF FOREIGN AFFAIRS
KHARTOUM
The Minister

جمهورية السودان
وزارة الخارجية
الخرطوم
الوزير

Honorable Colin Powell
Secretary of State
Department Of state
Washington Dc 20520

Dear Mr. Secretary

Once again may I convey my deepest sympathies and condolences to you to your government and to the people of the United States for the great loss of lives in the cowardly and vicious attacks in NewYork and Washington on September 11. Our prayers are with the rescuers, the victims and their families. Such acts of terrorism of this sort are crimes against all humanity.

As you are aware our two governments have been quietly but diligently at work on issues involving international terrorism for more than a year . In the course of that work we have developed relationship between our security and intelligence services that has prepared us well for the challenge of working together to search for perpetrators of these crimes . We stand ready to move forward.
If there is any thing on which I may be of assistance, please do not hesitate to call upon me.

Sincerely

Dr . Mustafa Osman Ismail
Minister for Foreign Affairs
Khartoum – Sudan

DATE/SEPTEMBER/12/2001

4

Appendix III

[Original: Arabic/English]

Statement delivered by the Minister for Foreign Affairs of the Sudan before the Parliament on the Sudan's policy regarding the fight against terrorism, with an annexed list of international conventions on that subject that have been signed and ratified by the Sudan

Statement on Sudan's firm policy in opposing and combating terrorism. 25 April 2001.

Sudan's Minister of Foreign Affairs, H.E. Dr. Mustafa Osman Ismail , delivered on 25 April 2001 the Sudan Foreign policy Statement before the National Assembly (the Parliament). Following is the part of His Excellency's Statement concerning Sudan's position on prevention and suppression of terrorism .

1. The Government of the Republic of the Sudan abhors international terrorism and condemns all its forms and manifestations as criminal and unjustifiable acts, wherever and by whomever committed and regardless of any motivation behind it whether political, philosophical, ideological, racial, ethnic, religious or otherwise.

2. It is the fundamental policy of the Government of the Sudan to actively oppose terrorism and to cooperate with international efforts to counter it.

3. In this connection and in realisation and implementation of these convictions, the Government of Sudan enacted its legislation to combat terrorism in the year 2000 and joined efforts bilaterally, regionally and internationally to eliminate terrorism. This include co-operation in fields of handing over of suspects, judicial co-operation and exchange of information as being both preventive and suppressive measures.

4. Furthermore Sudan is a party to regional legal instruments adopted to eliminate terrorism within OAU, Arab League, O.I.C fora and it played a significant role in concluding these instruments. Noteworthy that technical co-operation, bona fide exchange of information are instrumental in the implementation of these texts.

5. Internationally, Sudan is now second to none in signing, ratifying and acceding to international conventions adopted to eliminate international terrorism. Sudan is party to all international conventions in force. As a matter of fact, this very distinguished achievement which has been fully accomplished during the course of the year 2000, led the General Assembly of the United Nations to include the following paragraph in its resolution on elimination of international terrorism,

   1. (The general Assembly notes with appreciation and satisfaction that a number of States have become, during the 54th Session of the G.A. and Millennium Summit, parties to relevant conventions and protocols realizing there by the objective of their implementation and their wider acceptance).

6. The Government of the Sudan in fulfilment of its underlying principles, out of its commitment to the Security and well-being of its own peoples and in conformity with its regional and international obligations, reiterates time and again, that it does not and will not provide safehavens, training, financing or support to individuals or groups engaged in acts of terrorism.

International Conventions on the Prevention And Suppression of Terrorism, signed, ratified or acceded to by the Sudan

	Name of Convention	Signature	Ratification	accession
1	Convention on Offences and Certain Other Acts Committed on Board Aircraft, done at Tokyo on 14th Sept. 1963.			Inst. Of Accession Deposited 25/5/2000 - Ottawa-
2	Convention for the Suppression of Unlawful Seizure of Aircraft, done at the Hague on 16th Dec. 1970			Acceded to 18.1.1979
3	Convention For Suppression of Unlawful Acts Against the Safety of Civil Aviation , done at Montreal			Acceded to 18.1.1979

	on 23 Sept. 1971.			
4	Conv. On the Prevention and punishment of Crimes Against Int. Protected Persons , including Diplo. Agents, adopted by the General Ass. Of the United Nations 14th Dec. 1973			Acceded to 10.10.1994
5	International Convention Against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17th Dec. 1979			Acceded to 19.6.1990
6	Convention on the Physical Protection of Nuclear Materials, adopted at Vienna on 3rd March 1980			Inst. Of Accession Deposited 18/5/2000
7	Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation done at Montreal on Feb. 1988			Inst. of Accession Deposited 15.05.2000
8	Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10th March 1988			Inst. of Accession Deposited 22/5/2000
9	Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10th March 1988			Inst. of Accession Deposited 22/5/2000
10	Convention on the Marking of Plastic Explosives for the Purpose of Detection, done at Montreal on 1st March 1991			Inst. of Accession Deposited 25/5/2000

11	International Convention for the Suppression of Terrorist Bombings , adopted by the General Assembly of the United Nations on 15th Dec. 1997	Signed		instrument of ratification deposited with UN on 8/9/2000
12	International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9th Dec. 1999	Signed		

13	Arab Convention for Suppression of Terrorism		Ratified May 1999	

The Sudan Terrorism - Suppression Law for the year 2000 , has already been issued .

Appendix IV

[Original: Arabic]

Banking Regulation Act (Amendment), 1993

بسم الله الرحمن الرحيم

المجلس الوطني الانتقالي

تشريع

المجلس الوطني الانتقالي

قانون تنظيم العمل العرفي (تعديل) لسنة ١٩٩٣م

عملاً بأحكام المرسوم الدستوري الخامس لسنة ١٩٩٩م أصدر المجلس الوطني الانتقالي ، برئاسة رأس الدولة القانون الآتي نصه :-

اسم القانون وبدء العمل به

١/ يسمى هذا القانون " قانون تنظيم العمل العرفي (تعديل) لسنة ١٩٩٣م " ويعمل به من تاريخ توقيع رأس الدولة عليه .

تعديل

٢/ يعدل قانون تنظيم العمل العرفي لسنة ١٩٩٩م على النحو التالي :
تلغى المادة (١٧) من القانون ويستعاض عنها بالمادة الجديدة الاتية :

(١٧) (١) بالرغم من أي نص في أي قانون آخر يحظر على أي عضو مجلس ادارة أو مدير عام أو مستخدم في أي مصرف أو أي شخص آخر يعمل بنك السودان لاداء أعمال وفقاً بموجب هذا القانون أن يفشي لأي شخص أية معلومات أو احصاءات تتعلق بحسابات العملاء أو بمعاملاتهم المصارف أو المالية بنوك تعمل عليها أثناء قيامه بأداء الوظيفة بموجب هذا القانون أو أي قانون آخر .

٢/ يستثنى من أحكام البند (١) أعلاه :-

أ/ المعلومات والاحصاءات التي يطلبها بنك السودان بغرض ممارسة صلاحياته الرقابية على المصارف ولا يجوز افشاء هذه المعلومات والاحصاءات أو استخدامها لغير هذا الغرض .

/ ٢ .....

بسم الله الرحمن الرحيم

المجلس الوطني الانتقالي

(٦)

- ٢ -

ب/ المعلومات والاحصاءات التي يطلبها النائب العام أو تلك محكمة مختصة .

(المادة)

بهذا أشهد بأن القانون املاه هو صورة صحيحة لمشروع قانون تعديل قانون السجل العيني تعديل لسنة ١٩٩٣م والذي أجازه المجلس الوطني الانتقال في جلسته رقم (٦٦) بتاريخ ٢٠ صفر ١٤١٤هـ الموافق ١٠/ يوليو ١٩٩٣م .

الدو أحمد [illegible]
نائب رئيس المجلس الوطني الا

أوافق :

فوق / حسن أحمد البشير
رئيس الدولة

التاريخ : [illegible] ١٤١٤هـ

الموافق : [illegible] يوليو ١٩٩٣م

Appendix V

[Original: Arabic/English]

Eight documents on Al-Shamal Islamic Bank

Al shamal Islamic Bank
Head Quarter:
Tel: (011) 779474
Fax: (011) 773585
E-mail: info @shamalbank.com
Website:w.w.w. Shamalbank.com

Date: 13/10/2001

1. Osama Bin Laden did not invest any money in Al Shamal Islamic Bank under his name or any corporate entity related to him.

2. Osama Bin Laden does not control or previously control nor had any investment with any of the entities listed in the attachment to the letter dated 1/10/2001 which includes the statement of Al Shamal Islamic Bank as shareholder or founder, and that is the same for the said Al Qaida Organization or any entity which is owned or controlled by Bin Laden or any of his group or any organization that is related to him. All listed shareholders, real persons and entities have nothing to do with bin laden or any entity or person related to him.

3. The only relationship between the bank and Bin Laden came through two companies locally registered in the Sudan and have the right to open a/Cs in any Sudanese bank by law and they did so as follows: -

(a) Al Hijra Construction & Development Co. LTD opened two a/Cs on 30/3/1992 and since 1997 both accounts are inoperative and closed.

(b) Wadi El Ageg Co. opened a US dollar a/c on 1993 and since 1995 the a/c is inactive and later closed.

(All these accounts are normal accounts with maximum movement of $ 100.000)

بسم الله الرحمن الرحيم

وزارة العدل

المسجل التجاري العام

م ٢٠٠١/١٠/١٠ ... ع/ ... ٤٠٠١

(شهادة لمن يهمهم الأمر)

... المسجل العام للشركات بأن بنك الشمال الإسلامي شركة مساهمة ... بالسودان وتحمل شهادة تأسيس بالرقم (٣١٤١) صادرة ... ٢٣ يوليو ١٩٨٥ م أن أسامة بن لادن ليس من ضمن المساهمين .

... هذه الشهادة بناءا على طلب البنك .

وشكراً ،،،،

ديوان النائب العام
للسجل التجاري العام
الرقم
التاريخ

٢٠٠١/١٠/١٠

محمد بشارة دوسة

مسجل عام الشركات

Al shamal Islamic Bank
Head Quarter:
Tel: (011) 779474
Fax: (011) 773585
E-mail: info @shamalbank.com
Website:w.w.w. Shamalbank.com

Date: 13/10/2001

w.w.w. Senate – Gov./ I Levin
From: Legal Department
Al shamal Islamic Bank

Dear Mr. Carl Levin
U.S. Senator

On behalf of Al Shamal Islamic Bank I would like to state the following information so as to correct the false media reports on which you have based your statement at the senate committee on 26th sept.2001 in which you mentioned the relationship of Al Shamal Islamic Bank and Osama Bin Laden.

1. We take this opportunty to assure you that there is no relation whatsoever between our bank and Osama Bin Laden or his organization (Al Qaida) as it appears from your report and he is neither a founder nor a shareholder and the fact that he has (initial capital of $ 50 million, and remains the leading shareholder) is completely wrong information.
   (See attached names of founders and main shareholders).

2. No money is transferred through our Bank by Osama Bin Laden or any person or entity related to him to U.S.A. or elsewhere, only normal transaction with registered local companies " Al Hijra & Wadi El Ageg" which are owned partialy by Osama and doing normal business in Sudan and they have

accounte with Al Shamal Bank. We have no records of the said $100.000 sent to U.S.A. through our bank.

3. As a Sudanese bank we have meny branches and corespondents all over the world, and we work with full transparency with international banks and financial institutions all over world.
4. Although there have been an investigation in Sudan through different ways (as you know) nothing appears to connect our bank with Osama Bin Laden.

5. To our astonishment your report to the senate committee include incorrect information which has been transferal to the media and latter meny organizations acted upon it which cost us a lot of losses and touched our reputation.

Politely we ask you as the main source of the information about our bank to clarify to the media that the sources from which you based your report at least are not assured from that information so as not to cost us more losses and we are sure that if you know that such reports are false, you would not dare to repeat them in your official report to the senate committee.

We are ready to answer any questions and to co-operate with any investigation since we are sure of the status of our bank.

Thank you

Hassan A.
Legal Dep.
El Shamal Islamic Bank
Sudan

C.C. Senator P. Sarbanes
H. Comm. Congress

بسم الله الرحمن الرحيم

بنك الشمال الاسلامي

ALSHAMAL ISLAMIC BANK

عضو في صندوق ضمان الودائع المصرفية

H. E. Khidir Haroun Ahmed
Ambassador
Embassy of the Republic of Sudan
2210 Mass Ave. N.W.
Washington D.C.
U. S. A

Dear Mr. Ambassador

Thank you for referring the letter of Honorable Carl Levin, Chairman of the Permanent Sub Committee on investigations regarding further clarifications on the history and status of bin Ladin's relationship to our bank.

Before addressing the specific questions raised in the letter let me clarify and correct the statements quoted at the beginning of the letter by the Chairman.

First the statement in the State Department Fact sheet that bin Ladin and wealthyNIF members capitalized Al Shamal Islamic Bank and that bin Ladin invested $50 million in the bank, is for sure, not a fact and is a false statement for the following reasons:

1. When Al Shamal Islamic Bank was initiated in April 1983 there was no NIF in Sudan.
2. Bin Ladin was not and has never been directly or indirectly one of the initiators or shareholders of Al Shamal Islamic Bank.
3. The total authorized capital of Al Shamal Islamic Bank is only $20 Million and the paid-up capital as of today is approximately $10 million, therefore the statement that bin Ladin invested $50 million in Al Shamal Islamic Bank is false.

Second, based on the above it goes without saying that the Indigo Publication's statement that bin Ladin remains the leading shareholder is also false.

بسم الله الرحمن الرحيم

بنك الشمال الاسلامي

ALSHAMAL ISLAMIC BANK

عضو في صندوق ضمان الودائع المصرفية

Al Shamal Islamic Bank is a public shareholding company and there is no secret about its shareholders whether leading or small ones and can be obtained from the Registrar of the Companies by any one and we provided a list of the shareholders with 1% or more in our statement of October 1st. 2001 and bin Ladin is not one of them.

Third, regarding the CBS News story, it is partially true in that two companies owned by bin Ladin held 3 accounts with our bank in the early nineties and were closed in 1995 and 1997 as reported in our above-mentioned statement and detailed in No. three below. But the statement that bin Ladin owns the Bank is surely wrong.

Let me now turn to the questions raised by Honorable Carl Levin, Chairman of the Permanent Sub Committee on investigations.

1. Osama bin Ladin did not and has never invested any money in Al Shamal Islamic Bank under any name or corporate entity. The only two ways for any one to invest in an Islamic Bank is either to be a shareholder or a holder of an investment A/C and Osama bin Ladin is not and has never been a shareholder or a holder of an investment A/C in Al Shamal Islamic Bank.
2. Osama bin Ladin, Al Qaida, or any of their agents or related entities does not and have never at any time controlled or had any involvement with any of the entities listed in our statement referred to.
3. As reported in our statement of Oct. 1, 2001, Osama bin Ladin had indirectly held three current accounts with the bank through Al Hijra Construction and Development Co. Ltd. (a company incorporated in Sudan on 24/3/1992) and Wadi El Agig Co. (a Saudi registered Co.).

Al Hijra Construction and Development Co. Ltd. opened two accounts (one in local currency and the other in US$) on 30/3/1992 and since 1997 both accounts are inoperative and closed.

Wadi El Agig opened a US dollar A/C on 1993 and since 1995 the A/C is inactive and closed .

All these accounts are normal current accounts with an average balance of about US$100.000.

The relationship of Osama bin Ladin with our bank at the time the accounts were operative was a usual customer-bank relationship no more, no less.

We hope these clarifications are satisfactory and please do not hesitate to ask about any further clarifications.

Assuring you of our best co-operation.

Best regards.

Mohamed S. Mohamed
General Manager
Al Shamal Islamic Bank

بسم الله الرحمن الرحيم

بنك الشمال الاسلامي
ALSHAMAL ISLAMIC BANK
عضو في صندوق ضمان الودائع المصرفية

DATE : 1/10/2001
REF: SH I B /G M O/2001

Subject: statement

Al shamal Islamic Bank obtained an initial approval on April 1983 in response to a request by: -

⇒ Northern State Gov.

⇒ Al shamal for investment & development Co.

⇒ El- Sheikh Salih Abddalla Al –Kamil.

with an authorized capital of $ 20.000.000. (USD) (Twenty million dollar).

On April 1984 the bank issued shares for subscription the main founders were: -

1. Gov. of Northern State. (Sudan)
2. Al Baraka for Investment & Development, Jeddah
3. Sheikh / Salih Abdalla Al Kamil , Jeddah
4. Sheikl/ Omer Abdalla Kamil , Jeddah.
5. Fisal Islamc Bank. (Sudan)

The bank obtained the final approval on July 1988. The provisional Board of Director members were: -

⇒ Dr. A/ wahab Osman Sheikh Mosa. (Chairman)

⇒ AL Baraka for investment.& Development. Jeddah

⇒ Faisal Islamic Banks.Khartoum

⇒ National Bank for Public Development.
⇒ Al shamal investment & development Co, Khartoum
⇒ Tadamon Islamic Bank, Khartoum
⇒ Government of Northern State.
⇒ Sayed/ Izz - Eldeen El Siyed.
⇒ Sayed/ Salem Ali Ahmed.
⇒ Sayed/ Omer Mohamed Ali Omarab.
⇒ Sayed/ Ahmed Ibrahim Talab

The bank commenced business on 2nd Jan. 1990. with a paid up capital of Ls. 17.671.071 (approximately $3.9 Million Dollar).

The bank activity is concentrated mainly in financing export, Import and local trade,

The bank issued shares for subscription between 1997 and 2000, as a result of this issue the main shareholders of the bank are;-

	NAME	Date of subscription	Nationality
1/	Al -Ber International Organization.	13/10/1998	SUDAN
2/	Adil Abd El Aglil Botorgey	7/6/1999	SAUDIA ✓
3/	Al Sabigoon for Investment, Export & Import	27/10/1997	SUDAN
4/	National Fund for Social Insurance	3/5/1986	SUDAN
5/	Al baraka company for Investment and Development	25/7/1986	SAUDIA ✓
6/	Al Shaikh Salih A/Allah Al-Kamil	25/7/1986	SUDAIA ✓
7/	Al- Tadamon Islamic Bank	26/3/1986	SUDAN
8/	Omer Osman Mohamed Salih	25/4/1985	SUDAN
9/	Osama Mohamed Holwani	23/10/1999	SAUDIA ✓
10/	Faisal Islamic Bank	8/5/1985	SUDAN
11/	Babiker Salim Abu-Senoon	24/2/1990	SUDAN
12/	Mohamed A/Elmonem Khedir	20/1/1990	SUDAN
13/	Alataia Brothers Co	10/1/1990	SUDAN

Notes: -

Each of the above shareholders hold more than 1%, which is equal to (10) million SD (38.000 US $).

It is obvious from above statment that Bin Laden was never a founder or a shareholder Of Al Shamal Islamic Bank. His only relation with the bank was through Al Hijra Construction & Development Co LTD, (alocal company incorprated in sudan on 24/3/1992) and Wadi El Agiq Co. (Asudia Co. registered in Sudia Arabia) Wadi El Ageg is holding minority share in Al hijra was represented by Bin Laden.

Al Hijra Construction & Development Co LTD opened two A/Cs on 30/3/1992 and since 1997 both accounts are inoperative and closed.

Wadi El Ageg opened a US dollar on 1993 and since 1995 the A/C is inactive and closed.

Best regards,

Mohamed S. Mohamed
GENERAL MANAGER

بسم الله الرحمن الرحيم

بنك الشمال الاسلامي

بيان لكافة المتعاملين مع بنك الشمال الاسلامي

اشارة الى ما تناقلته وسائل الاعلام المختلفة عن علاقة بنك الشمال الاسلامي بمنظمة القاعدة واسامة بن لادن وما زعم عن تأسيس اسامة بن لادن للبنك برأسمال قدره ٥٠ مليون دولار. ونؤكد للجميع ان هذه المعلومات عارية من الصحة تماما وتؤكد خطأ هذه الادعاءات الوثائق الرسمية الخاصة بتأسيس بنك الشمال الاسلامي وسجوته خلال السنوات الماضية وجملة من الحقائق والارقام نوردها كما يلي

١) تأسس بنك الشمال الاسلامي في ابريل عام ١٩٨٣ بمبادرة من حكومة الولاية الشمالية وشركة الشمال للتنمية والاستثمار والشيخ صالح عبد الله كامل برأسمال مصرح به قدره ٢٠ مليون دولار امريكي

٢) في ابريل من عام ١٩٨٤ طرحت اسهم البنك للاكتتاب وكان كبار مؤسسي البنك هم : حكومة الولاية الشمالية، شركة البركة للاستثمار والتنمية (جدة)، الشيخ صالح عبد الله كامل(جدة)، الشيخ عمر عبد الله كامل (جدة)، وبنك فيصل الاسلامي السوداني.

٣) افتتح البنك اعماله في الثاني من يناير ١٩٩٠ برأسمال مدفوع قيمته ١٧.٦٧١.٠٧١ جنيه سوداني ، وتركزت انشطته بصورة رئيسية في التمويل وعمليات الاستيراد والتصدير والتجارة المحلية.

٤) طرح البنك اسهمه للاكتتاب مجددا عام ١٩٩٧ وعام ٢٠٠٠م . ونتيجة لذلك بلغ رأسماله مليار دينار سوداني . اي ما يعادل بالتقريب ٣.٩ مليون دولار .مما يدحض الادعاء بأنه تأسس بمبلغ ٥٠ مليون دولار ولم يكن اسم اسامة بن لادن او اي من شركاته ضمن قائمة المساهمين في راسمال البنك منذ تأسيسه وحتى اليوم

٥) الجهات الرسمية في الدولة قامت بتبيان هذه الحقائق للحكومة الامريكية التي بدورها تفهمت الامر. عند ما تم اتهام البنك بهذه التهمة ورد في ثنايا شهادة غير مؤسسة أدلى بها نائب في الكونغرس الامريكي او احدى لجان الكونغرس ولم يقدم النائب اي دليل يقنع لاثبات دعواه سوى عرضه لقائمة بمراسلو البنك والاستدلال باتساع شبكة مراسلوه.

٦) يطمئن عملاءنا الكرام والمساهمين ان البنك وبحمد الله يقوم بدوره الطبيعي في خدمتهم والاقتصاد السوداني على أكمل وجه.

وبالله التوفيق

بنك الشمال الاسلامي

بسم الله الرحمن الرحيم

تصريح من السيد محافظ بنك السودان
حول ما ورد في بعض وسائل الاعلام عن بنك الشمال

ورد في بعض وسائل الاعلام العالمية أن هنالك علاقة بين بنك الشمال الاسلامي وأسامة بن لادن ونحن كبنك مركزي مسئول عن الاشراف على البنوك بالبلاد ولمعرفتنا اللصيقة بالبنك نود أن نورد الحقائق التالية :

١. بنك الشمال هو شركة مساهمة عامة أنشأ في عام ١٩٨٤ وليس عام ١٩٩٠ برأسمال مصرح به يبلغ ٢٠ مليون دولار وليس ٥٠ مليون دولار كما ورد في التقارير الواردة بأجهزة الاعلام ولم يقم بدفعه أسامة بن لادن .

٢. شارك في تأسيس البنك عدد كبير من رجال الأعمال والمغتربين السودانيين ونخبة من المصرفيين العرب ولم يكن أسامة بن لادن من المروجين أو المؤسسين أو المساهمين في رأس مال البنك .

٣. ظل بنك الشمال ومنذ انشائه يعمل وفق نظامه الأساسي ولائحة تأسيسه وتحت اشراف مجلس ادارته ورقابة البنك المركزي . ونؤكد بأن المعلومات التي وردت في أجهزة الاعلام غير صحيحة وقد قمنا بتصحيح هذه المعلومات للادارة الأمريكية عبر وزارة العلاقات الخارجية بصورة لا تترك مجال للشك .

وبنك السودان اذ يؤكد عدم صحة هذه المعلومات التي وردت في أجهزة الاعلام يؤكد من جهة أخرى دعمه لمسيرة البنك حتى يقوم بدوره كاملاً في الاستثمار والتنمية وسيقوم بنك السودان مع مجلس ادارة البنك بتوضيح الأمر وتصحيح المعلومات لمراسلي البنك والمتعاملين معه داخلياً وخارجياً .

د . صابر محمد حسن
محافظ بنك السودان

بسم الله الرحمن الرحيم

بنك الشمال الاسلامي

ALSHAMAL ISLAMIC BANK

عضو في صندوق ضمان الودائع المصرفية

Date: 29/9/2001
Ref : N MO /2001

ATT: Dr. Saber

Al Shamal bank was founded on 1985 by a group of Sudanese businessmen, and banks. with an authorized capital of 20.000.000 (Twenty Million US dollars).

The bank commenced business on 2nd January 1990 with paid up capital of approximately 2 Million US dollars. To date the capital and provision is about $ 7.200.000.

Bin Laden was not a shareholder of the bank, and have kept no A/Cs with us.

Best regards,

Mohamed S. Mohamed
General Manger

Appendix VI

[Original: Arabic and English]

Extradition Act of 1957 (in Arabic and English)

THE EXTRADITION ACT, 1957

ARRANGEMENT OF SECTIONS

Section
1. Title.
2. Repeal.
3. Interpretation.
4. Application of Act where arrangement for surrender of criminals made.
5. Restrictions on surrender of criminals.
6. Surrender of fugitive Criminals.
7. Requisition for surrender.
8. Issue of warrant of arrest by Magistrate.
9. Inquiry by Magistrate.
10. Surrender of fugitive to foreign state.
11. Discharge of fugitive Criminal if not conveyed out of the Sudan within two months after committal to prison.
12. Powers of Magistrates.
13. Depositions to be evidence.
14. Authentication.
15. Appeals.
16. Forms.
17. Evidence required by foreign tribunals.
18. Power to make regulations.
The Schedule - Forms.

THE EXTRADITION ACT, 1957 [22.7.1957]

An Act to provide for the extradition of fugitive criminals.

1. This Act may be cited as the Extradition Act, 1957. *Title*

2. The Fugitive Offenders Ordinance, 1915 is hereby repealed. *Repeal*

3. In this Act, unless the context otherwise requires:— *Interpretation*

"Convicted" means any person sentenced to imprisonment for a term of not less than six months, for an extradition offence but do not include a convic-

[illegible]

passed in the absence of the accused, but the term "accused person" includes a person so convicted *per contumace*

Extradition Offence	means an act which if committed in the Sudan, would, under the Sudan Law existing at the time of the alleged act, constitute an offence offence punishable with imprisonment for a term of not less than one year; but does not include offences under military laws.
"Foreign State"	includes every colony, dependency and constituent part of a foreign state and every vessel of that state, shall be deemed to be within the jurisdiction of and to be part of such foreign state;
"Fugitive Criminal"	means any person accused or convicted of an extradition offence committed within the jurisdiction of the foreign state who is present, or believed to be present in the Sudan;
"The Magistrate" "Warrant"	means a Magistrate of the first or second class under the Code of Criminal Procedure, 1974; in the case of a foreign state, includes, any judicial document authorising the arrest of an accused or convicted person

Application of Act where arrangement for surrender of criminals made

4. (1) Where an arrangement has been made between the Government of the Democratic Republic of the Sudan and any foreign state with respect to the surrender to such state of fugitive criminals, the President of the Republic may, by order published in the Gazette, and subject to such conditions, exceptions and qualifications as may be specified in the order, direct that the provisions of this Act shall apply in the case of such foreign state.[2]

(2) No order made under sub-section (1) shall remain in force for any longer period than the arrangement.

Restrictions on surrender of fugitive criminals

5. There shall be no extradition—

(1) If the offence in respect of which extradition is required is an offence of a political character

[2] 1973 Act No. 11

(2) If the person whose extradition is required satisfies either the Attorney-General or the judge before whom he is brought, that the requisition for his surrender has in fact been made with a view to trying or punishing him for an offence of a political character.[3]

(3) Unless the law of that State or the agreement provides that such person shall not be arrested or tried in that foreign state for an offence committed prior to his surrender other than the extradition offence, until he has been restored or has had a reasonable opportunity of returning to the Sudan.

(4) If he has been accused of committing an offence within the Sudan other than the extradition offence until he has been discharged or acquitted of such offence.

(5) If he is undergoing a sentence of imprisonment in the Sudan, until the expiration of that sentence.

(6) Until the expiration of not less than fifteen days from the date of his committal to prison pending surrender.

Surrender of fugitive Criminals

6. Where this Act applies to any foreign state, every fugitive criminal of that state shall be liable to be arrested and surrendered in the same manner provided by this Act, whether the crime in respect of which the surrender is requested was committed before or after the date of the order applying this Act, and whether or not any Sudan's Court has concurrent jurisdiction over that crime.

Requisition for surrender

7. (1) A requisition for the surrender of a fugitive criminal of any foreign state, shall be made by some person recognised by the Sudan Government as a diplomatic representative of that state.

(2) On such requisition being made the Attorney General may by order under his hand notify to the Magistrate, within whose jurisdiction the fugitive criminal resides or is believed to reside, that such requisition has been made and requires such Magistrate to issue a warrant for the arrest of such fugitive criminal.[4]

(3) If it appears to the Attorney General that the requisition does not comply with the provisions of this Act, or if he is

[3] 1973 Act No. 11 [4] 1973 Act No. 11

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of opinion that the offence of which such fugitive criminal is accused or convicted is one of a political character, he may refuse to notify the Magistrate of such order.[8]

(4) The Attorney-General may also at any time order that any fugitive criminal be discharged from custody.[9]

Issue of warrant of arrest by Magistrate.

8. The Magistrate, on being notified in the manner prescribed in section (7) shall issue a warrant for the arrest of the fugitive criminal.

Inquiry by Magistrate.

9. (1) Where a fugitive criminal is brought before the Magistrate, the Magistrate shall proceed to inquire into the case in the same manner, and shall have the same jurisdiction and powers, as nearly as may be, as if the case were one triable by him or one into which he could hold an inquiry according to the provisions of the Code of Criminal Procedure, 1974.

(2) The Magistrate shall receive such evidence as may be produced in respect of the requisition including any evidence to show that the offence of which such fugitive criminal is accused or convicted is an offence of a political character or is not an extradition offence.

(3) If upon taking all the evidence referred to in subsection (2), the Magistrate is of opinion that —

(a) in the case of a fugitive criminal accused of an extradition offence, such evidence would, according to the law of the Sudan, establish a *prima facie* case against the prisoner if the offence of which he is accused had been committed in the Sudan, the Magistrate shall commit him to prison to await the orders of the Attorney-General, but otherwise shall order him to be discharged;[7]

(b) in the case of a fugitive criminal alleged to have been convicted of an extradition offence, such evidence would, according to the law of the Sudan, prove that the prisoner was convicted of such offence, the Magistrate shall commit him to prison to await the orders of the Attorney-

5. 1965 Act No. 27; 1973 Act No. 11.
6. Ibid.

General, but otherwise shall order him to be discharged.[8]

(4) The Magistrate shall forthwith report the result of his inquiry to the Attorney-General.[9]

Surrender of fugitive to foreign state.

10. (1) If upon receipt of such report, the Attorney-General is of opinion that the fugitive criminal ought to be surrendered, he may issue a warrant for the surrender of such fugitive criminal to a person to be named in the warrant, and such fugitive criminal shall be surrendered accordingly.[10]

(2) It shall be lawful for any person to whom such warrant is directed to receive, detain in custody and convey the person mentioned in the warrant, to the person named in the warrant, and if the fugitive criminal escapes out of any custody to which he may be delivered in pursuance of such warrant, it shall be lawful to rearrest him in the same manner as any person accused or convicted of any offence against the laws of the Sudan may be rearrested upon an escape.

Discharge of fugitive Criminal if not conveyed out of the Sudan within two months after committal.

11. If the fugitive criminal on being committed to prison is not surrendered and conveyed out of the Sudan within the two months after such committal, it shall be lawful for any Judge of the Court of Appeal or Province Judge, upon application made to him by or on behalf of the fugitive criminal and upon proof that reasonable notice of the intention to make such application has been given to the Attorney-General, to order such fugitive criminal to be discharged out of custody, unless sufficient cause is shown to the contrary.[11]

Powers of Magistrates.

12. A Magistrate in the Sudan shall when exercising jurisdiction under this Act, have all like powers as to issue of search warrants, summonses to witnesses and summonses for production of documents, as to the remanding of persons accused, as to granting of bail and generally as to all matters, as he would have if he were exercising jurisdiction under the Criminal Procedure Act, 1974.

8. 1965 Act No. 27; 1973 Act No. 11.
9. Ibid.
10. Ibid.

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Depositions to be evidence

13. Depositions, statments on oath or affirmations taken in the territory of foreign state, and copies of such original depositions, statements or affirmations, and foreign certificates or judicial documents stating the fact of conviction, may, if duly authenticated as laid down in this Act, be received in evidence in proceedings under this Act.

Authentication.

14. Foreign warrants, depositions, statements on oath or affirmations, and copies thereof, and certificates or judicial documents stating the fact of a conviction, shall be deemed duly authenticated, if—

(1) the warrant purports to be signed by a Judge, or Magistrate or Officer of the foreign state where the same was issued;

(2) the depositions, statements, affirmations or the copies thereof purport to be certified under the hand of a Judge Magistrate, or Officer of the foreign state where the same were taken to be the original depositions, statements or affirmations, or to be true copies thereof, as the case may require ; and

(3) the certificate of, or judicial document stating the fact of conviction, purports to be certified by a Judge, Magistrate, or officer of the foreign state where the conviction took place; and

In every case the warrants, depositions, statements, affirmations, copies, certificates, and judicial documents, as the case may be, are authenticated by the oath of some witness or by being sealed with the official seal of the Attorney-General or some other Minister of State; and all Courts and Magistrate shall take judicial notice of such official seal, and shall admit the documents so authenticated by it to be received in evidence without further proof.[12]

Appeals

15. Every order or refusal to make an order by a Magistrate under this Act, shall be subject to appeal in the manner following, that is to say, from a Magistrate's order to the Province Court, and from an order of the Province Court to the [illegible] Supreme Court in this behalf.[13]

12. 1965 Act No. 27; 1973 Act No. 11, [illegible]

13. 1972 S.I. No. 45; 1973 Act No. 11; 1974 Act No. 40.

Forms

16. (1) The forms set forth in the Schedule hereto, with such variations as the circumstances of the case require, may be used for the respective purposes therein mentioned, and when used shall be deemed to be valid and sufficient in law.

(2) The Attorney-General may from time to time prescribe further or other forms, or cancel, amend or vary any existing form. Such new or amended or varied forms shall be published in the Gazette.[14]

Evidence required by foreign tribunals.

17. (1) Where, upon an application for this purpose, it is made to appear to any Magistrate of the first class that any Court or tribunal of competent jurisdiction in a foreign country, before which any criminal matter is pending, is desirous of obtaining the testimony in relation to such matter of any witness within the jurisdiction of such Magistrate, it shall be lawful for such Magistrate to order the attendance of such witness for the purpose of being examined upon oath, upon interrogatories or otherwise, or for the production of any writings or other documents to be mentioned in such order.

(2) Any such order may be enforced in like manner as an order made by such Magistrate in any Criminal proceedings pending before such Magistrate under the Criminal Procedure Act, 1974.

(3) Every person examined under sub-section (1) shall have the right to refuse to answer questions, which a witness in any criminal proceedings before such Magistrate, would be entitled to refuse to answer; and no person shall be compelled to produce any writing or other document that he would not be compellable to produce at such criminal proceedings.

(4) A certificate under the hand of the Ambassador, Minister Plenipotentiary or other accredited diplomatic agent of any foreign state that any matter in relation to which an application is made under sub-section (1) is a criminal matter pending before the Court or tribunal in the country of which he is the diplomatic agent, and that such Court or tribunal is desirous of obtaining the testimony of the witness to whom the application relates, shall be evidence of the matters s-

14. 1965 Act No. 27; 1973 Act No. 11.

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certified, but where no such certificate is produced, other evidence to that effect shall be admissible.

Power to make regulations

18. (1) The President of the Republic may make regulations for the purpose of carrying out the provisions and purposes of this Act.15

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for any of the following matters, namely.

(a) the removal of fugitive criminals and their control and maintenance until such time as they are surrendered;

(b) the seizure and disposal of any property which is the subject of, or required in connection with, any proceedings under this Act.

15. 1973 Act No. 11.

THE SCHEDULE

(*See* section 16.)

FORMS

1. FORM OF ORDER OF ATTORNEY-GENERAL TO THE MAGISTRATE

(Section 7 (2))

To .....

WHEREAS a requisition has been made to me by .....

..... the diplomatic representative of .....

....., for the surrender of .....,

accused/convicted of the commission of the offence of .....

....., within the territory of .....

NOW I hereby, by this order under my hand and seal, notify you that such requisition has been made, and require you to issue your warrant for the arrest of such fugitive and further deal with the case in accordance with the provisions of the Extradition Act, 1957.

Given under the hand and seal of the undersigned, this .....

..... day of .....

ATTORNEY-GENERAL.16

16. 1965 Act No. 27; 1973 Act No. 11.

2. FORM OF ARREST BY MAGISTRATE

(Section 8)

To .....

WHEREAS the Attorney-General, by order under his hand and seal, has notified me that requisition has been duly made to him for the surrender of ..... accused/convicted of the commission of the offence of ..... within the territory of .....

THIS IS THEREFORE to command you to arrest the said ..... and bring him before me to show cause why he should not be surrendered in accordance with the provisions of the Extradition Act, 1957.

Given under my hand and seal at ..... this ..... day of .....

MAGISTRATE

3. FORM OF WARRANT OF COMMITTAL

(Section 9 (1))

To the official in charge of the prison at .....

WHEREAS ..... has been brought before me to show cause why he should not be surrendered in pursuance of the Extradition Act, 1957, on the ground of his being accused/convicted of the commission of the offence of ..... within the territory of ..... and for as much no sufficient cause has been shown to me why he should not be surrendered in pursuance of the said Act;

THIS IS THEREFORE to authorise and require you to receive the said ..... into your custody until he is thence delivered pursuant to the provisions of the said Extradition Act, 1957.

Given under my hand and seal at ..... this ..... day of .....

MAGISTRATE

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Appendix VII

[Original: Arabic and English]

Regulation of Asylum Act of 1974 (in Arabic and English)

(19) To do all things relating to form and method which appear necessary to him for the perfection of the revised edition.

Declaration of commencement of revised edition

7. The Attorney-General shall be order published in the Gazette direct that the revised edition shall come into force from such date as he thinks fit and thereafter the revised edition shall be accepted for all purposes as the authentic version of the Act contained therein.

THE ASYLUM (CONTROL) ACT, 1974

ARRANGEMENT OF SECTIONS

Section:

1. Title.
2. Interpretation.
3. Commissioner and Registrars of Refugees.
4. Registers of refugees.
5. Granting permission for asylum.
6. Presentation of asylum problem.
7. Priority of application of treaties.
8. Registration of moveables.
9. Ownership of lands and immovables.
10. Detention of refugees.
11. Deportation of refugees.
12. Issue of passports to refugees.
13. Identity cards.
14. Permission for refugees to work.
15. Regulations.

officer or other competent authorities to assist in the return of refugees to their country.

Ownership of lands & immovables

9. No refugee shall own lands or immovables in the Sudan.

Violation of refugee and his rehabilitation to the laws and prevention of political acts, etc

10. (1) The refugee shall be subject to the general laws which shall be applied to all Sudanese. He may be detained if it is found necessary.

(2) No refugee shall exercise any political activity during his presence in the Sudan, and he shall not depart from any place of residence specified for him. The penalty for contravening this sub-section shall be imprisonment for not more than one year.

Deportation of refugees

11. A refugee may be deported in the following cases:—

(a) if the reasons which made him seek asylum have ceased to apply and it is possible for him to return to his original country;

(b) if he commits a serious non-political crime outside the Sudan before he is granted permission to enter as a refugee. In such case he may be extradited in accordance with the Extradition Act, 1957;

(c) if he commits a crime against peace, a war crime or a crime against humanity;

(d) if he commits an act contrary to the principles of the United Nations or the Organisation of African Unity;

(e) if he commits a serious non-political crime outside the Sudan after being granted asylum;

(f) if his presence in the Sudan constitutes a danger to the internal or external national security of the Sudan.

Issue of passports to refugees

12. Subject to the provisions of the Passports and Immigration Act, 1961, the Minister in his discretion, or any person he authorises may issue a passport to any refugee who requests the same. The Minister of Foreign Affairs may in exceptional circumstances specified by him, by an order, grant a diplomatic passport to a refugee.

Identity card

13. (1) The Commissioner for Refugees shall issue an identity card to every refugee upon his registration or at any subsequent time. The card shall bear the consecutive number entered in the register of refugees.

(2) The card shall be granted for the period during which the refugee is given permission to stay in the Sudan, and shall be renewed on the renewal of such period.

Permission to execute work

14. (1) No refugee shall be permitted to work in any job, industry or business relating to the security of the country or national defence.

(2) A refugee shall be allowed to work in occupations other than those referred to in sub-section (1) hereof after receiving permission therefor from the Department of Labour and the Department of Labour shall send a copy of the permission to the Ministry of Interior Affairs. [a]

Regulations

15. (1) The Minister may make any regulations he thinks necessary for the effective implementation of the provisions of this Act.

(2) Without prejudice to the generality of the foregoing, such regulations may provide for:—

(a) counting of refugees in the Sudan and issuing of their residence cards;

(b) laying down and regulating provisions relating to refugees including keeping of the order, peace, health, forces and such like.

[a] 1973 Act No. 50
1980 Act No. 44

Appendix VIII

[Original: Arabic and English]

Provisional decree: The Terrorism (Combating) Act, 2000 (in Arabic and English)

بسم الله الرحمن الرحيم

مذكرة تفسيرية

مرسوم مؤقت قانون مكافحة الإرهاب لسنة ٢٠٠٠

تنويجا للجهود المبذولة بوساطة مجلسي وزراء الداخلية العرب ووزراء العدل العرب وفي الاجتماع المشترك للمجلسين بالقاهرة تم التوقيع على الاتفاقية العربية لمكافحة الإرهاب في ابريل ١٩٩٨ .

ولما كان الإرهاب من أخطر الجرائم التي تهدد أمن المجتمعات العربية وكل المجتمعات الإنسانية لما يقوم به الإرهابيون من ترويع للآمنين وتعد على الأرواح البريئة أو تخريب يخالف الدور المنوط بالبشر شرعا إذ أن الله سبحانه وتعالى استخلف الإنسان في الأرض لعمارتها وليس لتخريبها وقد حفلت سجلات الجريمة خلال السنوات الخمس الماضية بعدد من الجرائم الإرهابية الدخيلة على بلادنا ظهرت في معظمها الأيادي الأجنبية التي تحرك بوساطة جهات تكن العداء لبلادنا .

وللتصدي لهذه الجرائم ووفاءا بالتزاماتنا لميثاق جامعة الدول العربية وميثاق هيئة الأمم المتحدة وجميع المعهود والاتفاقيات والمواثيق الدولية الأخرى التي يكون السودان طرفا فيها وبموجب الاتفاقية العربية لمكافحة الإرهاب التي وقعت عليها بلادنا واستوفت اجراءات المصادقة عليها جاء المرسوم المؤقت قانون مكافحة الإرهاب متسقا مع الاتفاقية العربية لمكافحة الإرهاب ومن اهم سماته :-

(أ) الفصل الأول تناول تعريف الارهاب والجريمة الإرهابية . وحدد نطاق تطبيق القانون وقد اخذت تعاريفها من الإتفاقية العربية لمكافحة الإرهاب وذلك حتى يتطابق تعريف الإرهاب والجريمة الارهابية مع الاتفاقية .

(ب) الفصل الثاني تضمن النص على الجرائم الإرهابية وادارة المنظمات الإرهابية وتجريم الافعال ضد الاشخاص او السيطرة على الطائرات ووسائل النقل البحري أو البري أو البري وحجز الاشخاص أو إلحاق الضرر بهم وجرائم البيئة .

(ج) الفصل الثالث نص على محاكم مكافحة الإرهاب من حيث تشكيلها كما نص على نيابة مكافحة الإرهاب وكيفية صدور الأحكام وتأييدها والإستئناف .

(د) الفصل الرابع نص على الأحكام العامة من حيث الاستيلاء على الأموال والمعدات المستخدمة فى الجرائم الإرهابية وابعاد الأجانب فى حالة الإدانة وانهاء اقامة الاجانب او ابعادهم لمغادرة البلاد إذا وجدت قرائن على دخولهم البلاد بقصد ارتكاب جريمه إرهابية ، كما تضمن ذات الفصل فى المادة ٢٢ سلطة اصدار القواعد لرئيس القضاء بالتشاور مع وزير العدل .

ومن ثم المرسوم المؤقت المرافق .

وزارة الشئون الداخلية

Provisional Decree
The Terrorism (Combating) Act,2000

After perusal of the Declaration of the State of Emergency, 1999, and in accordance with the provisions of Article 90(1), of the Constitution of the Republic of the Sudan, 1998, read with Article 132(c) thereof, the President of the Republic hereby makes the following Provisional Decree:-

Chapter I
Preliminary Provisions
Title and commencement

1. This Provisional Decree may be cited as the,"Terrorism (Combating) Act 2000",and shall come into force, as from the date of signature.

Interpretation

2. In this Act, unless the context otherwise requires,:-

" Aircraft" means any machine capable of deriving the support thereof, in the atmosphere, from the reactions of air, which are not reflected from the earth surface, and includes all dirigibles, such as airships, balloons, gliders and aeroplanes of fixed, or movable wings;

" Means of conveyance", means aircrafts, motorcars, and all the means of transport, transfer and movement;

" Political offence", means assault against heads of states, rulers, the wives, ascendents or descendents thereof, heads of governments, ministers or persons enjoying international protection, including ambassadors and diplomats, and assault against the quarters of diplomatic missions, the seats of private abode or the means of conveyance belonging to them;

" Terrorism", means every act, or threat of violence, whatever the motivations, or objects thereof, which occurs in execution of an individual or collective criminal scheme, aiming at striking terror among, or awe upon the people, by hurting them, or exposing the lives, freedom or security thereof, to danger, or causing damage to the environment, public, or private property, one of the public, or private

utilities or belongings, occupying or appropriating the same, or exposing one of the native, or national strategic resources to danger;

" Terrorist offence", means any act, or attempt committed in execution of a terrorist intention; and includes the terrorist acts and offences provided for in such Agreements, as the Government of the Republic of the Sudan may have signed, and have been ratified, in accordance with the provisions of the Constitution, save such as have been excepted, or reservation thereon has been made .

Application

3. This Act shall apply to :-
   (a) every person, who is charged with committing, attempt to commit or abetting the commission of a terrorist offence, inside, or outside the Sudan, whenever such offence affects the interests, economy, national or social security of the Sudan;
   (b) such terrorist offences, as may occur upon any means of conveyance, or on board thereof;
   (c) every person, who commits, attempts or abets the commission of a terrorist offence, inside the Sudan, or upon any of the Sudanese means of conveyance, where the offence affects the interests, or security of any state, as may have relations with, or interests in the Sudan, or occurs to any alien inside the Sudan, or residing therein, in accordance with the law;
   (d) every person, who is charged with committing, attempt to commit or abetting the commission of a terrorist offence, which is punished under the provisions of this Act, or any other law in force in the Sudan, and also punished under the provisions of the law in the state wherein the act has been committed, and the state wherein the act has occurred consents to the application of the provisions of this Act;
   (e) terrorist offences, in accordance with the provisions of paragraph(d), even though the act does not entail affecting the interests, or national security of the Sudan; unless his extradition has been decided, under the Extradition Act, to any such state, as may sign an agreement on co-operation, in the field of terrorism, which is ratified in accordance with the provisions of the Constitution .

Exception

4. Upon application of the provisions of this Act, the following acts shall not be deemed as political offences, even though committed for political motivations :-
   (a) murder, theft accompanied by coercion, against individuals, authorities, means of conveyance or communication;

(b) acts of sabotage of public property allocated for public service, even though owned by another state in the Sudan;

(c) the offences of manufacturing, smuggling or possession of arms, ammunitions, explosives or otherwise of materials prepared for the commission of terrorist offences.

Chapter II
Terrorist Offences and Acts
Terrorist offences

5. Whoever does, abets, attempts or facilitates, by deed, word of mouth, or publication, the commission of an act, in execution of a terrorist purpose, against the State, the social security, subjects, property, utilities or public, or private establishments thereof, through committing a terrorist, or political offence shall, upon conviction, be punished with death, or life imprisonment .

Terrorist criminal organizations

6. Whoever operates, abets, attempts, participates or facilitates, by word of mouth, deed or publication, the operation of an organized and planned network, for the commission of any terrorist offence, or offences, whether such network works at the level of the Sudan, the foreign level or the level of any of the states of the Sudan, a town, a village or any certain place wherein lives a respected group, in such way, as his act may constitute a danger to persons, property or public tranquility, shall be deemed to have committed a terrorist offence, and shall, upon conviction, be punished with death, or life imprisonment .

Highjacking or control of aircrafts

7. Whoever does, abets, attempts or facilitates, by word of mouth, deed or publication, through use, or threat of use of force, or by any other form of coercion, highjackes, attempts to highjack an aircraft or exercise his control thereon, shall be deemed to have committed a terrorist offence, and shall , upon conviction, be punished with imprisonment, for a term, not exceeding fourteen years, or with fine, or with both .

Unlawful acts against safety of *aviation*

8. There shall be deemed, to have committed a terrorist offence, and punished, upon conviction, with death, or life imprisonment, and the property relating to the offence, or the equipment used with respect thereto shall be confiscated, whoever does, abets, attempts or facilitates, by word of mouth, deed or publication, the commission of an act :-

(a)of violence, against any person on board an aircraft, where such act by nature exposes the safety of persons, or the aircraft to danger; or

(b) of destroying an aircraft, or causing such damage therein, as may make it unable to fly, or exposing the safety thereof , in flight, to danger ; or

(c) by placing any means whatever, or causing the placing of such an apparatus, or material, in an aircraft, as may probably destroy such aircraft, causing therein such damage, as may make it unable to fly, or causing such damage, as may expose the safety thereof, in flight, to danger; or

(d) by destroying, or damaging the air navigation facilities, or interfering in the operation thereof, where any of such acts, by nature, probably exposes the safety of the aircraft to danger ; or

(e) which exposes the safety of the aircraft, the passengers or the load thereof to danger.

Highjacking, or control of vessels and marine and river means of conveyance

9.(1) Whoever does, abets, attempts or facilitates, by word of mouth, deed or publication the highjacking, or attempting to highack any vessel, or any marine, or river means of conveyance registered in the Sudan, or in the territorial waters of the Sudan, by force, or threat to use force, or by any other form of coercion, shall be deemed to have committed a terrorist offence, and shall, upon conviction, be punished with imprisonment, for a term, not exceeding fourteen years, or with fine, or with both.

(2) Whoever does, abets, attempts or facilitates, by word of mouth, deed or publication, by exposure of the marine, or river means of conveyance, or the shipment thereof, to destruction, or damage, or the exposure of the lives of those working thereon to danger, or delivering such false information, as may expose the marine , or river means of conveyance or those working thereon to physical, or psychological danger, shall be deemed to have committed a terrorist offence, and shall, upon conviction, be punished with imprisonment, for a term, not exceeding fourteen years, or with fine, or with both.

Highjacking land means of conveyance

10.(1) Whoever does, abets, attempts or facilitates, by word of mouth, deed or publication, the highjacking, by force, of any the land means of conveyance, whether used for the conveyance of persons, or goods; or by threat to use force, or any of the forms of coercion, shall be deemed to have committed a terrorist offence, and shall, upon conviction, be punished with imprisonment , for a term, not exceeding ten years, or with fine , or with both.

(2) Whoever does, abets, attempts or facilitates, by word of mouth, deed, or publication the exposure of land means of conveyance, or the load thereof, to destruction, or damage, or exposure of the lives of those working thereon , to danger , or delivering such false information, as may expose the land means of conveyance, the load thereof or those working thereon, to physical, or

psychological danger, shall be deemed to have committed a terrorist offence, and shall, upon conviction , be punished with imprisonment, for a term, not exceeding fourteen years, or with fine, or with both .

Detention or causing injury to persons

11.(1) Whoever does, attempts or facilitates , by word of mouth, deed or publication, the commission of any of the acts, set forth in sections 5, 6 , 7, 8,9 and 10 and the doing thereof results in the unlawful detention of any person, violation of the freedom thereof, or exposing him to physical , or psychological hurt, shall be punished with life imprisonment, or imprisonment, for a term, not less than ten years, or with fine, or with both .

(2)Whoever does, abets, attempts or facilitates, by word of mouth , deed or publication the commission of any terrorist offence, by unlawfully detaining any person, in any public, or private place, violating his freedom or causing physical, or psychological hurt thereto, shall be punished with imprisonment, for a term, not less than five, and not exceeding fourteen years.

Environmental offences

12. Whoever commits an act, which causes serious damage to the environment, and exposes the people's life to danger, shall be deemed to have committed a terrorist offence, and shall, upon conviction, be punished with imprisonment, for a term, not exceeding twenty years, and with fine.

Chapter III

Terrorism Combating Courts

Terrorism Combating Courts constituted

13. (1) The Chief Justice shall constitute one, or more courts, to be known as the, " Terrorism Combating Court", by an order, to be made thereby.

(2) The Chief Justice, in consultation with the Minister of Justice, shall make the rules relating to the procedure of the Terrorism Combating Courts, and the manner of passing judgments.

Terrorism Combating Appeal Court constituted

14. The Chief Justice shall constitute , by an order, to be made thereby , the Terrorism Combating Appeal Court .

Terrorism Combating Prosecution Bureau

15. (1) There shall be constituted, by an order, to be made by the Minister of Justice, a special prosecution bureau, to be known as the, " Terrorism Combating Prosecution Bureau", to inquire and prefer charges, before Terrorism Combating Courts.

(2) The Minister of Justice shall specify, in the order mentioned in sub-section(1), such procedure, as may be followed by the Terrorism Combating Prosecution Bureau, in inquiry and preferring charges, before Terrorism Combating Courts .

Appeal

16. Every person, against whom a judgement is passed, in accordance with the provisions of this Act, may appeal , to the Terrorism Combating Appeal Court.

Judgement confirmed

17. Every sentence of death, or life imprisonment passed by Terrorism Combating Courts shall be submitted before the Terrorism Combating Appeal Court, for confirming the same; provided that death sentence shall not be executed, save after approval of the President of the Republic .

Chapter IV
General Provisions
Estates, property and equipment confiscated

18. (1) In addition to any other penalty inflicted by the competent court, in accordance with this Act, or any other law, there shall be confiscated every estate, property , equipment , arm, means of conveyance or otherwise, which is proved to have been used in the commission of terrorist offences, attempt, facilitation or assisting the commission thereof , or harboring the perpetrators, committers or abetters thereof , or those charged therewith , or encouraging them to commit the same, whether by word of mouth, deed, publication, or refraining from , or consent to the commission thereof , and with the knowledge of the owner of the estate, whether he uses it personally, or through any of his subordinates, or those employed thereby .

(2) The court, in addition to any penalty inflicted thereby, in accordance with the provisions of sub-section (1), whenever there has been proved thereto, the complicity of the accused in the terrorist offence, by commission, abetment, attempt, planning , facilitation, assistance or encouragement , through word of mouth, deed, publication or harboring the doers thereof, may order the confiscation of any property, estates, equipment or monetary balances owned thereby, and depriving him of any benefit, or utilizing any sources, or other property , whether inside , or outside the Sudan.

(3) There shall be allocated, to the bodies competent with combating terrorism, or any other body, such as may be confiscated, in accordance with the provisions of sub-section (2).

Aliens deported

19. The sentence of the court, against every alien , who is convicted of the commission of a terrorist offence , the attempt or abetment

thereof , or providing the funding, or technical aid to the committer thereof , shall include his deportation, or expulsion form the country, or extradition thereof , to any state affected by the terrorist offence .

Residence of aliens terminated or notifying them to depart from the country

20. (1) An lien, as the case may be, in respect of whom there are grounds to presume that he has entered the country , with intent to commit any terrorist offence , may be notified to depart from the country, within a specified period , not exceeding two weeks , or deported forthwith.

(2) After the expiry of the period specified in the notice , an order to terminate the residence of the said alien may be made; and in this case , such legal procedure, as may be applicable in the provisions of the law, shall be taken.

Power to make regulations

21. The Chief Justice, in consultation with the Minister of Justice , may make such rules, as may be necessary, for the implementation of the provisions of this Act.